CIVIL ESTABLISHMENT CODE (ESTACODE)

PAKISTAN PUBLIC ADMINISTRATION REACEARCH CENTER MANAGEMENT SERVICES WING ESTABLISHMENT DIVISION ISLAMABD

TERMS AND CONDITIONS OF SERVICE OF THE CIVIL SERVANTS

*Constitutional Provisions

SI. No. 1:

Extracts from the Constitution of the Islamic Republic of Pakistan, 1973.

Article 240 — Part XII Miscellaneous, Chapter I- Services.— Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined—

(a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and All Pakistan Service, by or under Act of **[Majlis-e- Shoora (Parliament)]; and

(b) in the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

Explanation.—- In this Article, "All-Pakistan Service" means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of **[Majlis-e-Shoora (Parliament)].

Article 241, Ibid.—Until the appropriate Legislature makes a law under Article 240, all rules & orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or,

Appointment to service of Pakistan and conditions of service

Existing rules etc. to continue.

as the case may be, the Provincial Government.

*For the Constitutional Provisions in the Constitutions of Islamic Republic of Pakistan 1956 and 1962, please see Annexures | & Il. **Subs. by P.O. No.14 of 1985, Art. 2 and Sch., for "Parliament".

Civil Servants Act, 1973 (Act No. LXXI of 1973)

SI. No. 2:

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan.

WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. Short title, application and commencement. (1) This Act may be called the Civil Servants Act, 1973.

(2) It applies to all civil servants wherever they may be. (3) It shall come into force at once. CHAPTER I. — PRELIMINARY

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;

(b) "civil servant" means a person who is a member of an All-Pakistan Service or of a civil service of the Federation, or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defence, but does not include—

(i) a person who is on deputation to the Federation from any Province or other authority;

(c)

(d)

(e)

(f) (9)

(h)

(i) (2)

(ii) a person who is employed on contract, or on work-charged

basis or who is paid from contingencies; or

(ili) a person who is a "worker" or "workman" as defined in the

Factories Act, 1934 (XXV of 1934), or the Workman's Compensation Act, 1923 (VIII of 1923);

"initial appointment" means appointment made otherwise than by promotion or transfer;

"pay" means the amount drawn monthly by a civil servant as pay and includes technical pay, special pay, personal pay and other emoluments declared by the prescribed authority to be pay; "permanent post" means a post sanctioned without limit of time;

"prescribed" means prescribed by rules;

"rules" means rules made or deemed to have been made under this Act;

"selection authority" means the Federal Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made; and

"temporary post" means a post other than a permanent post.

For the purposes of this Act, an appointment, whether by

promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER II. - TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

3. Terms and conditions.— [(i)] The terms and conditions of a civil servant shall be as provided in this Act and the rules.

*[(ii) The terms and conditions of service of any person to whom this Act applies shall not be varied to his disadvantage].

*Re-numbered and added vide Civil Servants (Amendment) Act V of 1996, s.2, dated 17-3-1996. 4. Tenure of office of civil servants.—Every civil servant shall hold office during the pleasure of the President.

5. Appointments.—Appointments to an All-Pakistan Service or to a civil service of the Federation or to a civil post in connection with the affairs of the Federation, including any civil post connected with defence, shall be made in the prescribed manner by the President or by a person authorised by the President in that behalf.

6. Probation.—(1) An initial appointment to a service or post referred to in section 5, not being an ad hoc appointment, shall be on probation as may be prescribed.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise,—

(a) if he was appointed to such service or post by initial recruitment, be

discharged; or

(b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that, in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. Confirmation._(1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post *[+ «] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. Seniority._(1) For proper administration of a service, cadre or *[post] the appointing authority shall cause a seniority list of the members for the

time being of such service, cadre or *[post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or *[post], as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same *[service or cadre] whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

(4) Seniority in *[a post, service or cadre] to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

Provided that civil servants who are selected for promotion to a higher *[post] in one batch shall, on their promotion to the higher *[post], retain their inter se seniority as in the lower *[post].

*The words “or Grade" omitted and subs vide Civil Servants (Amendment) Ordinance No.Ill of 1984 (w.e.f.1-7-1983).

9. Promotion._(1) A _ civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a *[higher] post for the time being reserved under the rules for departmental promotion in **[ ] the service or cadre to which he belongs***[:]

***[“Provided that the posts of—

(a) Additional Secretary and Senior Joint Secretary may, in the public interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 20; and

(6) Secretary may, in the public interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 21;

In such manner and subject to such conditions as may be prescribed.]

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotions shall be made as may be prescribed—

(a) in the case of a selection post, on the basis of selection on merit; and

(bo) in the case of a non-selection post, on the basis of seniority-cum-fitness.

®1(3) Promotion to posts in basic pay scales 20 and 21 and equivalent shall be made on the recommendations of a Selection Board which shall be headed by the Chairman, Federal Public Service Commission].

10. Posting and transfer—Every civil servant shall be liable to serve any where within or outside Pakistan, in any ©®[equivalent or higher] post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government:

*Subs vide Civil Servants (Amendment) Ordinance No.III of 1984 (w.e.f.1-7-1983). **Omitted vide Civil Servants (Amendment) Ordinance No. III of 1984, s.4, (w.e.f. 1-7-1983). ***Subs and added vide Civil Servants (Amendment) Ordinance No.XXxXiIll of 2001, dated 4-8-2001.

@added vide Civil Servants (Amendment) Ordinance No.XLIIl of 2000, dated 6-7-2000. ®@ ins. vide Civil Servants (Amendment) Act V of 1996, s.3, dated 17-3-1996.

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay

shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. Termination of Service.—(1) The service of a civil servant may be terminated without notice—

(i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one *[service], cadre or post to another *[service] cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such *[service] cadre or post but he shall be reverted to his former *[service], cadre or post as the case may be;

(it) on the expiry of the initial or extended period of his employment; or

(iii) if the appointment is made ad hoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or *[service] the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or *[service].

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2), the service of a civil servant in temporary employment or appointed ad hoc shall be liable to termination on fourteen days' notice or pay in lieu thereof.

TILIA. Absorption of civil servants rendered surplus.— Notwithstanding anything contained in this Act, the rules, agreement, contract or the terms and conditions of service, a civil Servant who is

*Subs vide Civil Servants (Amendment) Ordinance No. Ill of 1984 (w.e.f. 1-7-1983).

**Inserted vide Civil Servants (Amendment) Ordinance No. XX of 2001.

rendered surplus as a_ result of re-organization or abolition of a Division, department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that where no equivalent post is available he may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected].

*[11B. (1) Where it is brought to the notice of the appointing authority that appointment of a person to a civil post was made without observing the prescribed procedure or without fulfilling the prescribed qualification, experience and age limit, it may send a reference to the Federal Public Service Commission for determination whether he is fit to hold the post to which he was appointed and, if not, whether he is fit to hold any other post compatible with his qualification and experience.

(2) On receipt of the advice of the Federal Public Service Commission on a reference made under sub-section (1), the appointing authority may pass such order of appointment or termination of service as may be considered by it to be just and equitable:

Provided that if it is proposed to pass order of termination of service in the light of the advice of the Commission, a reasonable opportunity of showing cause against the order of termination, shall be provided.

(3) Where an order of appointment is made on the advice of the Commission, it shall be treated as a case of fresh appointment and seniority of such an appointee shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993].

12. **[Reversion to a lower post etc.—-(1) A civil servant appointed to a higher post on ad hoc, temporary or officiating basis shall be liable to reversion to his lower post.

(2) No civil servant shall be dismissed or removed from service or reduced in rank by an authority subordinate to that by which he was appointed.

*Added vide Civil Servants (Amendment) Ordinance No.CXXX of 2002 promulgated on 13.11.2002.
**Subs vide Civil Servants (Amendment) Act V of 1996, s.4, dated 17-3-1996.

(3) No such civil servant as aforesaid shall be dismissed or removed from service, or reduced in rank, until he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided that this sub-section shall not apply: —

(i) Where a civil servant is dismissed or removed from service or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) Where the President or any person authorised by him under the rules is satisfied, for reasons to be recorded in writing, that in the interest of the security of Pakistan or any part thereof, it is not expedient to give to that civil servant such an opportunity].

12-A. *[Certain persons to be liable to removal, etc.—Notwithstanding anything contained in this Act or in the terms and conditions of a civil servant appointed or promoted during the period from the first day of January, 1972, to the fifth day of July, 1977, the President or a person authorised by him in this behalf may,—

(a) without notice, remove such a civil servant from service or revert him to his lower post **[. «] as the case may be, on such date as the President or, as the case may be, the person so authorised

may, in the public interest, direct; or

(b) in a case where the appointment or promotion of such a civil servant is found by the President or, as the case may be, the person so authorised to suffer from a deficiency in the minimum length of service prescribed for promotion or appointment to the higher grade, direct, without notice, that seniority in such case shall count from the date the civil servant completes the minimum length of service in such appointment or promotion, as the case may be].

*Subs vide Civil Servants (Amendment) Ordinance No. XXXIV of 1980.

Note.— Persons whose service have been terminated under section 12-A of the Civil Servants Act, 1973 are not disqualified from future employment under Government vide Estt. Division O.M. No.4/9/78-Rev.|, dated 22-1-1984.

**The words "or Grade" omitted vide Civil Servants (Amendment) Ordinance No.III of 1984.

13. *[Retirement from service.—(1) A civil servant shall retire from service—

(i) on such date after he has completed **[twenty] years of service qualifying for pension or other retirement benefits as the competent authority may, in public interest, direct; or

(it) where no direction is given under clause (i), on the completion of the sixtieth year of his age.

(2) No direction under clause (i) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

Explanation: In this Section, “competent authority” means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion

and Transfer) Rules, 1973].

14. Employment after retirement.—-(1) A retired civil servant shall not be re-employed under the Federal Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is the President, such re-employment may be ordered with the approval of the President.

(2) Subject to the provisions of sub-section (1) of section 3 of the ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (XII of 1966), a civil servant may, during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

15. Conduct.—The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

*Subs vide Civil Servants (Amendment) Ordinance No.XX of 2000, dated 1-6-2000. **Subs vide Civil Servants (Amendment) Ordinance No. XXXIV of 2001, promulgated on 4-8-2001.

16. Efficiency and discipline.—-A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

17. Pay.—A civil servant appointed to a post *[«+] shall be entitled, in accordance with the rules, to the pay sanctioned for such post *[« «]:

Provided that, when the appointment is made on a current- charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

18. Leave.—A civil servant shall be allowed leave in accordance with the leave rules applicable to him, provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.

19. Pension and Gratuity—(1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two-thirds of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be

*The words “or Grade" Omitted vide Civil Servants (Amendment) Ordinance No.Ill of 1984, w.e.f. 1-7-1983.

determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity; and any over payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil

servant or his family.

20. Provident Fund.—-(1) Before the expiry of the third month of every financial year, the accounts officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to, including the interests accruing thereon, if any, and withdrawals or advances from his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the accounts or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

21. Benevolent Fund and Group Insurance.—All civil servants and their families shall be entitled to the benefits admissible under the Central Employees Benevolent Fund and Group Insurance Act, 1969 (Il of 1969), and the rules made thereunder.

22. Right of appeal or representation.—-(1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the

determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

CHAPTER III_—-MISCELLANEOUS

23. Saving.—-Nothing in this Act or in any rule shall be construed to limit or abridge the power of the President to deal with the case of any civil servant in such manner as may appear to him to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rule.

*[23A. Indemnity.—-No suit, prosecution or other legal procee-dings shall lie against a civil servant for anything done in his official capacity which is in good faith done or intended to be done under this Act or the rules, instructions or directions made or issued thereunder.

23B. Jurisdiction barred.—-Save as provided under this Act and the Service Tribunals Act, 1973 (LXX of 1973), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the President or any officer authorized by him shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by, or under, this Act or the rules made thereunder].

24. Removal of difficulties.—lf any difficulty arises in giving effect to any of the provisions of this Act, the President may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

CHAPTER IV.— RULES

25. Rules.—(1) The President or any person authorised by the President in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

*Added vide Civil Servants (Amendment) Ordinance No.LXI of 2001 dated 7-11-2001.

The Civil Servants (Validation of Rules) Ordinance, 2001

SI. No.3: ORDINANCE NO. II OF 2001 AN ORDINANCE

To validate certain rules made under the Civil Servants Act, 1973 and certain actions taken thereunder—

WHEREAS it is expedient to validate certain rules made under the Civil Servants Act, 1973 (LXXIII of 1973), for the purpose hereinafter appearing;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.-(1) This Ordinance may be called the Civil Servants (Validation of Rules) Ordinance, 2001.

(2) It shall come into force at once.

2. Validation of certain rules.—(1) The Civil Servants Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990, the Civil Servants (Seniority) Rules, 1993 and the Civil Servants (Confirmation) Rules, 1993 and all notifications amending the aforesaid Rules immediately before the commencement of the Ordinance are hereby affirmed and shall be deemed always to have been validly made.

(2) All orders made, proceedings taken, acts done, instructions issued, powers exercised, appointments made thereunder by any authority which were made, taken, done or purported to have been made, taken, done, issued, or exercised immediately before the commencement of this Ordinance shall be deemed to have been validly made, taken, done, issued or exercised and deemed always to have had effect accordingly.

MUHAMMAD RAFIQ TARAR President.

Guidelines for Review of Cases of Civil Servants under Section 13(1)(i) of the Civil Servants Act, 1973

SI. No. 4:

Section 13 of the Civil Servants Act, 1973, as amended vide Civil Servants (Amendments) Ordinance, 2000 lays down as under:—

“(1) A civil servant shall retire from service—

(i) On such date after he has completed *[twenty] years of service for pension or other retirement benefits as the competent authority may, in public interest, direct; or

(ii) Where no direction is given under clause (i), on the completion of the sixtieth year of his age.

(2) No direction under clause (i) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction”.

Explanation: \|t this Section, “competent authority” means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.

2. The guidelines approved by the Chief Executive for review of cases under Section 13(1)(i) of the Civil Servants Act, 1973 are given in the succeeding paragraphs.

3. When it comes to the notice of the competent authority that a civil servant has, prima facie, ceased to be efficient and that action is warranted against him under Section 13(1)(i) of the Civil Servants Act,

*Subs. vide Ordinance No.XXXIV of 2001, promulgated on 4-8-2001.

1973, it shall cause the case to be referred to a Review Committee stating the facts of the case along with supporting documentary evidence, if any, service record of the person in the form attached as Annex-l, and such other record as may be considered relevant to a case for the purpose of making a recommendation about his suitability for further retention in service.

4. The Review Committee for officers of BS-20 and above may comprise the following:—

(i) Cabinet Secretary Chairperson (by name) (ii) Establishment Secretary Member (ex-officio) (ili) Secretary of Ministry/ Member (ex-Officio)

Division concerned.

(iv) Head of Department/Office Member (Co-opted) (Incharge of the service, group, cadre, etc.).

(v) Addl. Secretary/Joint Secretary Secretary Establishment Division.

5. The Secretary of the concerned administrative Ministry/Division has been authorized to constitute Review Committees for officers of BS- 19 and below subject to the proviso that each Review Committee should include a representative of Establishment Division as a Member of the Committee.

6. The Review Committees should examine the cases referred to them, and the Committees may recommend retirement in the following cases:—

(a) Where two or more penalties under the Government Servants (Efficiency & Discipline) Rules, 1973, have been imposed on a civil servant.

(b) Where overall grading of the ACRs is Average, and/or where adverse remarks in regard to acceptance of responsibility,

integrity, reliability, output of work and behaviour with the public were recorded in the ACRs (duly conveyed to the concerned civil servant and his representation against it finalized, as per rules).

(c) Where a civil servant is twice recommended for supersession by the Selection Board/DPC and the recommendation of the Selection Board/DPC is approved by the competent authority.

(d) Where other specific and cogent grounds, including the following, may warrant retirement of a civil servant:—

(i) persistent reputation of being corrupt;

(ii) possessing pecuniary resources and/or property etc. disproportionate to his known sources of income; and

(iii) frequent unauthorized absence from duty.

7. Where the Review Committee recommends retirement of a civil servant, specific reasons for doing so should be given. The recommendation of the Committee should be submitted for the approval of the competent authority. If the competent authority agrees with the recommendation of the Committee, a show cause notice shall be issued to the civil servant under sub-section (2) of Section 13 of the Civil Servants Act, 1973. After receipt of reply to the show cause notice the competent authority shall take the final decision.

8. The above instructions may also be brought to the notice of all Attached Departments and Subordinate Offices.

[Authority.— Establishment Division O.M. No.3/8/2000-R.2, dated 27-7-2000].

Annexure-l

PROFORMA FOR REVIEW OF SERVICE RECORD OF CIVIL SERVANTS,ON COMPLETION OF *[20] YEARS QUALIFYING SERVICE

(1) (2) (3) (4) (5) (6) (7) (8) (9)

Name

Date of Birth

FOR PENSION

Educational qualifications

Name of the Post/Department

Name of the Cadre/Group or Service

Date of joining government service

Details of pre-service and in service training

Date of promotion to the present post.

Date of completion of *[20] years service qualifying for pension

(10) Details of Service Record. (a) Synopsis of ACR Assessment made in the ACR about Year Overall Quantity and out |_ Integrity Fitness for promotion Assessment put of work (a) (b) (c) 1 2 3

(b) Pen picture recorded in the ACRs during last five years.

(c) Particulars of penalties imposed under the Government Servants (Efficiency and Discipline) Rules, 1973:—-

Name of Penalty Grounds of Penalty No. and date of penalty Imposing order.

*Subs. vide Ordinance No. XXXIV of 2001, Promulgated on 4-8-2001.

(d) Particulars of adverse remarks in regard to acceptance of responsibility, integrity, reliability, out put of work and behaviour with the public recorded in the ACRs (duly conveyed to the concerned civil servant and his representation against it finalized, as per rules).

(e) Particulars of supersessions in which Selection Board/ Departmental Promotion Committee twice recommended supersession of a civil servant and the recommendation of the Selection Board/DPC was approved by the competent authority.

Signature Name Designation of the

Officer authenticating the information.

SI. No.5:

Queries have been raised by different quarters whether review exercise for retirement of Civil Servants is also applicable to the employees of Autonomous Bodies or not and whether the provisions of the Civil Servants Act, 1973 and amendments therein are also applicable to them or not. The position is clarified as under:—

(i)

Supreme Court in their judgment in Civil Appeals Nos. 154 and 155 of 1988 held that organizations established through Resolutions were not bodies corporate but government departments and their employees were held to be civil servants. In the light of the aforesaid decision of the Supreme Court Civil Servants Act.

1973 and the rules made thereunder are applicable to the employees of organizations established through Resolutions.

(ii) In case of Autonomous bodies which are bodies corporate and are administered or controlled by Federal Government, and have their own Service Rules/ Regulations, it is necessary to make enabling provision in their Service Rules/Regulations on the lines of Section 13(1)(i) of Civil Servants Act, 1973.

2. Ministries/Divisions are advised to take necessary action for making enabling provision in the Service Rules/ Regulations of Bodies Corporate which are under their administrative control.

[Authority.— Establishment Division O.M.No.8/31/2000-R.3, dated 11-10-2000].

Clarification regarding Option of Seeking Pre-mature retirement

SI. No. 6:

The amended Section 13(1)(i) of the Civil Servants Act, 1973 lays down that—

“(1) a civil servant shall retire from service—

(i) On such date after he has completed twenty years of service qualifying for pension and other retirement benefits as the competent authority may, in public interest, direct.”

2. However, queries have been received in the Establishment Division soliciting advice on the point as to whether, or not, a civil servant can seek voluntary retirement on completion of twenty years of service qualifying for pension and other retiring benefits under Section 13(1)(i) of the Civil Servants Act, 1973?

3. As such, it is clarified that there is no provision in the Civil

Servants Act, 1973 under which a civil servant can seek voluntary retirement on completion of twenty years of service qualifying for pension and other retirement benefits. However, all Government servants have the right to seek retirement — if they so desire — on the completion of twenty five years service qualifying for pension and other retirement benefits (under CSR 465-B). This right is, however, subject to the provisions of the Essential Services Maintenance Act and is not available to a civil servant against whom the departmental inquiry/proceedings are pending.

4. All the Ministries/Divisions are requested to bring the above clarification to the notice of the Attached Departments and Subordinate Offices under their administrative control.

[Authority.— Establishment Division O.M.No.3/8/2000/R.2, dated 22-10-2001].

SI. No. 7:

Annual Confidential Reports -To be part of terms and conditions of service.— Annual Confidential Reports - held: very much a part of terms and conditions of service - Entries in annual confidential reports made and expunged on basis of positive instructions and rules can be made basis for retiring a person from service — Appeal against remarks in annual confidential reports, hence, competent before Service Tribunal and such Tribunal competent to expunge such remarks.

[c.f. 1981 Supreme Court Monthly Review 840] Ancillary Instructions

SI. No. 8:

Convention between the Central Government and the Provincial Governments, and Provincial Governments Inter se regarding terms and conditions of deputationists.-— As a Government servant on deputation retains a lien on the permanent post in his parent office, he is ordinarily

governed by the rules of the lending Government in matters of pay, leave, pension, etc., and continues to be under the rule-making control of the lending Government which has a right to recall him. The lending Government accordingly has a right to determine in consultation with the borrowing Government the terms of his employment under the latter, and these terms should not be varied by the borrowing Government without consulting the lending Government.

A convention has been established between the Central Government and the Provincial Governments on the one hand, and the Provincial Governments inter-se, on the other to the effect that no increase in pay or improvements in other service prospects should be offered to any such officer without consulting the lending Government or department.

[Authority.- Ministry of Finance letter No.F.10(23)-E.G.1I/48, dated 9-12-1948 and 10-6-1949]. SI. No. 9:

Appointment of Provincial Government employees against Grade 17 and above posts under the Federal Government.- A question has arisen whether appointment to posts in Grade 17 and above under the Federal Government by appointment through deputation of officers of Provincial Governments are required to be approved by the competent authority in the Federal Government and if so under which legal-provision.

2. According to section 5 of the Civil Servants Act, appointment to civil posts in connection with the affairs of the Federation are made by the President or by an officer authorised by him in this behalf. Under Rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 made under the above mentioned Act, the appointing authority for the posts in Grade 17 and above is the ‘Prime Minister. Therefore, according to section 5 of the Act read with Rule 6, the approval of the Prime Minister is necessary for appointment to posts under the Federal Government, but a doubt has arisen in the case of appointment of officers belonging to Provincial Governments to posts under the Federal Government. The Civil Servants

Act is applicable to civil servants vide sub-section (2) of Section 1 of the Act. According to definition of "civil servant" given in section 2 of the Act, a person who is on deputation to the Federation from any Province is not a "civil servant". The Civil Servants Act does not, therefore, apply to cases of officers of Provincial Governments who are appointed by deputation to posts under the Federal Government. If this view is correct, the next question which arises is whether Article 241 of the Constitution would be attracted in such cases. Our view is that since no act has been made by the Legislature in respect of the officers belonging to Provincial Governments who may be appointed by deputation to posts under the Federal Government, the rules and orders which were enforced immediately before the coming into force of the Constitution, will continue to be applicable to such cases. This will mean that approval of the competent authority as required under the Rules of Business which were applicable before coming into force of the Constitution should be obtained in such cases. Under these rules, the approval of the President was necessary to first appointment to Class | posts under the Federal Government. The President, in the present context means the Prime Minister. The approval of the Prime Minister, or of the persons authorised by him in this behalf, should therefore, be obtained before making appointments of officers of the Provincial Governments to posts connected with the affairs of the Federation. In other words, if the Civil Servants Act is not applicable to deputationists from the Provincial Governments, we are not left in void. The law provides for the continuance in force of all previous rules and orders where the Civil Servants Act, 1973 is not applicable.

3. The Law Division is requested for advice on the views of the Establishment Division.

[Authority.- Estt. Division U.0.Note No.4/1/74-D.IIl, dated 8-5-1975.

*Note.—This rule was amended on 10-5-1979 to authorise Establishment Secretary to make appointments to Grades 17 to 19 posts.

SI. No. 10:

Under clause (2) of section 1 of the Civil Servants Act, 1973, that Act applies only to civil servants. Under sub-clause (i) clause (b) of section 2 of that Act persons who are on deputation to the Federation from any Province or other authority have been excluded from the definition of "civil servant". Therefore the Act or the Rules made thereunder are not applicable to such persons. Any rules having the force of law applying to such persons and existing before the coming into force of the permanent Constitution are to be treated as “existing laws" as defined in clause (7) of Article 268 of the Constitution and will continue to be in force by virtue of clause (1) of that Article. Under Article 241 of the Constitution also until the Parliament makes a law under Article 240 of the Constitution governing such persons all rules and orders in force immediately before the commencing day are to continue in force in so far as they are not inconsistent with the provisions of the Constitution.

[Authority.-Law Division U.O. Note No. 763/75-Law, dated 13-5-1975]. SI. No. 11:

Consultation with Establishment Division in matters relating to appointments, promotions, deputations etc.- In accordance with Rule 11 of Rules of Business, "no Division shall, without previous consultation with the Establishment Division, issue or authorise the issue of any orders which involve a change in the terms and conditions of service of federal civil servants". This provision in the Rules makes it obligatory for the Ministries/Divisions to consult the Establishment Division, in matters relating to appointment, deputation of civil servants, to any autonomous body or corporation.

2. There have been cases in which Ministries/Divisions have forwarded recommendations affecting the terms and conditions of service of civil servants including their appointments or promotion and on deputation to autonomous bodies outside the Federal Government, directly to the CMLA's Secretariat for obtaining the orders of the President. The CMLA's Secretariat had to re-route these cases to the Establishment Division for examination and comments. Some of these cases had to be referred back to the Ministries/Divisions to obtain relevant documents and information for detailed examination. This led to avoidable waste of time in the expeditious disposal of these cases.

3. All the Ministries/Divisions are requested that cases affecting the terms and conditions of service, promotion and appointments of all civil servants must be routed through the Establishment Division for orders of the competent authority. This will avoid undue burden on the CMLA's Secretariat and will also ensure timely disposal of cases in accordance with the rules and the approved personnel policies of the Government.

[Authority.- Estt. Secretary's d.o. letter No. 5/3/80-A-I(B),dated 23-7-1980]. SI. No. 12:

Consideration of cases of Government servants who have filed civil suits.— In some cases Government servants file civil suits in Courts of Law against Government for the redress of their grievances. It has been noticed that the Ministries/Divisions etc. do not deal with such cases on the plea that the Government servants have filed suits and the matter is subjudice.

2. A civil suit or a civil petition by a Government servant does not preclude redress for the aggrieved Government servant. It has, therefore, been decided that the Ministries/Divisions should not refrain from considering the cases of Government servants who have filed civil suits against Government for redress of their grievances. Cases of such Government servants should continue to be considered by the Ministries/Divisions and the grievances of the Government servants removed if the merits of their cases so warrant.

[Authority.- Estt. Division O.M. No. 2/24/72-D.| dated 28-10-1972].

Note:- __ For details regarding Terms admissible to Government Servants reinstated under Martial Law Order No.23 please see Section-C of Chapter-| of the Estacode (Edition 1989).

CHAPTER-II

RECRUITMENT/APPOINTMENTS, SENIORITY AND PROMOTIONS ( )

RECRUITMENT/APPOINTMENTS, SENIORITY AND PROMOTIONS

SECTION A

RECRUITMENT

Civil Servants (Appointment, Promotion and Transfer Rules, 1973

SI. No. 1:

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:—

PART | — GENERAL

1. These rules may be called the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) "appointing authority", in relation to a post means the person authorized under rule 6 to make appointment to that post;

(b) *["selection board" means a Board constituted by the Federal Government, for the purpose of selection for promotion or transfer to posts in basic pay scales 19 to 21 and equivalent, consisting of such persons as may be appointed by Government from time to time].

(c) "commission" means the Federal Public Service Commission;

(d) *['departmental promotion committee' means a Committee constituted for the purpose of making selection for promotion or transfer to posts under a Ministry, Division, Department or Office of the Federal Government in basic pay scales 18 and below and equivalent; and].

*Subs vide Establishment Division Notification S.R.O. No.430(1)/2000, dated 26-6-2000.

(e) *["departmental selection committee" means a Committee constituted for the purpose of making selection for initial appointment to posts under a Ministry, Division, Department or Office of the Federal Government in basic pay scales 1 and above other than appointments which fall within the purview of the Federal Public Service Commission under rule 3 of the Federal Public Service Commission (Functions) Rules, 1978; and]

(f) **[Omitted].

3. (1) Appointments to posts shall be made by any of the following methods, namely:—

(a) ***[by promotion [. « « «] in accordance with Part II of these rules;

(6) by transfer in accordance with Part II of these rules, and

(c) by initial appointment in accordance with Part Ill of these rules].

(2) The method of appointment and the qualifications and other conditions applicable to a post shall be as laid down by the Ministry or Division concerned in consultation with the Establishment Division.

®((3) "Notwithstanding anything contained in sub-rule(l), or the method of appointment laid down in the recruitment rules, a person who is rendered

surplus as a result of the reorganization or abolition of a Division, Department, Office or permanent post in pursuance of any Government

decision or as a measure of economy may be appointed to a post in the basic pay scale to which he belonged, if he possesses the qualifications, and fulfils other conditions, applicable to that post'].

@@((4) Where a person referred to in sub-rule (3),—

(i) | possesses educational qualifications which are considered interchangeable with, or equivalent to, the qualification prescribed in the relevant recruitment rules; or

*Subs vide Establishment Division Notification S.R.O. No. 430(1)/2000, dated 26-6-2000. **Omitted clause (f) vide Establishment Division Notification S.R.O. No. 146(1)/84, dated 9-2-1984. ***Subs vide Establishment Division Notification S.R.O. No. 742(1)/2002, dated 28-10-2002. ®added vide Establishment Division Notification S.R.O. No. 57(1)/93, dated 25-1-1993.

®® added vide Establishment Division Notification S.R.O. No. 961(1)/99, dated 25-8-1999.

(ii) fulfils the prescribed qualifications and the conditions for initial appointment to the post in the relevant rules except the condition relating to prescribed experience,

the appointing authority may, for reasons to be recorded in writing, relax the requirement of educational qualifications or, as the case may be, the prescribed experience].

4. (1) In each Ministry, Division, Department or Office of the Federal Government, there shall be one or more Departmental Promotion Committees, and Departmental Selection Committees, the composition of which shall be determined by the Ministry or Division concerned in consultation with the Establishment Division.

(2) Each such Committee shall consist of at least three members one of whom shall be appointed Chairman.

5. Where an appointing authority for *[posts in basic pay scales 15 and below and equivalent] does not accept the recommendation of a Departmental Selection or Departmental Promotion Committee, it shall record reasons therefor and obtain orders of the next higher authority.

16. *[(1)] The appointing authority specified in column (3) of the table

below shall be competent to make appointment to the various posts in the basic pay scales specified in column (2) of that table.

TABLE

S.No. Basic pay scale of posts Appointing Authority

at 2 3

(1) | Posts in basic pay scales 20 | °[Prime Minister]. and above or equivalent.

(2) | Posts in basic pay scales 17 to | Secretary of the Ministry or Division 19 or equivalent. concerned.

(3) | Posts in basic pay scale 16 or | An officer notified by the Secretary of equivalent. the Ministry or Division concerned.

(4) | Posts in basic pay scales 3 to | An officer notified by the Secretary of 15 or equivalent. the Ministry or Division concerned.

(5) | Posts in basic pay scales 1 and | An officer notified by the Secretary of 2 or equivalent. the Ministry or Division concerned].

*Added vide Establishment Division Notification S.R.O. No.961(1)/99, dated 25-8-1999.

** Subs. vide Establishment Division Notification S.R.O.No.276(l)/2000, dated 25-5-2000. **Renumbered vide Establishment Division Notification S.R.O. No.829(I)/2000, dated 16-11-2000. ®Subs vide Establishment Division Notification S.R.O. No.1(1)/2003, dated 1-1-2003 w.e.f. 23.11.2002.

*[Provided that appointment to posts in Basic Pay Scales 20 and above or equivalent in the President’s Secretariat shall be made by the President].

**[(2) Notwithstanding anything contained in sub-rule (1), the Appointing Authority specified in column (4) of the table below shall be competent to make appointments to the posts specified in column (3) of that table in the department specified in column (2) thereof.

TABLE Sl. Name of Department Basic Pay Scale of posts Appointing Authority No. 1 2 3 4 ale Pakistan Audit | (i) | 17 to 19 or equivalent. | Auditor-General of Pakistan.

Department and (ii) Officers of Inter- Departmental Cadre of Pakistan Audit & | (ili) 3 to 15 or equivalent. An officer notified by the Auditor-

16 or equivalent. An officer notified by the Auditor- General of Pakistan.

Accounts Group General of Pakistan. (iv) 1 to 2 or equivalent. An officer notified by the Auditor- General of Pakistan]. "T2. | Intelligence Bureau (i) 17-19 or equivalent Director-General Intelligence Bureau. (ii) 1-16 or equivalent Officer(s) notified by the Director General, Intelligence Bureau]. @J[3. | Secretariat Training | Posts in BPS 1 to 16 or Director, Secretariat Training Institute Institute equivalent Islamabad.]

PART Il — APPOINTMENTS BY PROMOTION OR TRANSFER

7. ®°[Promotions and transfer to posts in basic pay scales 2 to 18 and equivalent shall be made on the recommendation of the appropriate Departmental Promotion Committee and promotions and transfer to posts in basic pay scales 19 to 21 and equivalent shall be made on the recommendation of the Selection Boards].

@@@17-A. (1) The Competent Authority may approve the promotion of an officer or official from the date on which the recommendation of the Central Selection Board or, as, the case may be, the Departmental Promotion Committee was made.

* Added vide Establishment Division Notification S.R.O. No.607(I)/2002, dated 10-9-2002. **Added vide Establishment Division Notification S.R.O. No.829(1)/2000, dated 16-11-2000. ***Added vide Establishment Division Notification S.R.O. No.891(I)/2000, dated 14-12-2000. @added vide Establishment Division Notification No. S.R.O. 733(l)/2000, dated 11.10.2000. ®@Subs vide Establishment Division Notification S.R.O. No.430(I)/2000, dated 26-6-2000. ®@@@ added vide Estt. Division Notification No. S.R.O 733(1)/2005, dated 22-7-2005.

(2). Notwithstanding anything in FR 17 the officer or official who expires or Superannuates after the recommendations of the Central Selection Board or the Departmental Promotion Committee and before the issuing of the notification, shall stand exempted from assumption of the charge of the

higher post. The Principal Accounting Officer or an Officer so authorized, will give a certificate to the effect that the officer or official has expired or superannuated].

8. Only such persons as possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Central Selection Board, as the case may be.

[8-A. No promotion on regular basis shall be made to posts in basic pay scales "[17] to 22 and equivalent unless the officer concerned has completed such minimum length of service, attended such training and passed such departmental examination, as may be prescribed from time to time].

8-B. (1) Where the appointing authority considers it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned who is otherwise eligible for promotion does not possess the specified length of service the authority may appoint him to that post on acting charge basis.

(2) ***[omitted |

(3) In the case of a post in **[basic pay scales 17 to 22 and equivalent], reserved under the rules to be filled by initial appointment, where the appointing authority is satisfied that no suitable officer "[drawing pay in basic pay scale] in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for a period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

“ Subs vide Establishment Division Notification S.R.O. No.850(I)/98, dated 25-7-1998. “Amended vide Establishment Division Notification S.R.O. No.835(1)/2000, dated 17-11-2000. ***Omitted vide Establishment Division Notification S.R.O No.269(I)/2000, dated 19-5-2000.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Central Selection Board, as the case may be, same in the case of *[post in basic pay scale 22 and equivalent].

(6) Acting charge appointment shall not amount to appointment by promotion on regular basis for any purpose including seniority.

(7) Acting charge appointment shall not confer any vested right for regular promotion to the post [ ] held on acting charge basis.

9. Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in **[posts in the same basic pay scale or equivalent to or identical with the posts to be filled].

PART Ill — INITIAL APPOINTMENT

10. **[Initial appointment to the All-Pakistan Services, the Civil Services of the Federation and posts in connection with the affairs of the Federation in basic pay scales 16 & above or equivalent, except those which under the Federal Public Service Commission (Functions) Rules, 1978, do not fall within the purview of the Commission, shall be made on the basis of tests and examinations to be conducted by the commission] : and

11. *[Initial appointments to posts in basic pay scales 1 to 15 and equivalent, shall be made on the recommendations of the Departmental Selection Committee after the vacancies have been advertised in newspapers].

12. A candidate for initial appointment to a post must possess the educational qualifications and experience and, except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post ***{ J:

**/Provided that unless otherwise specified in the method of appointment, qualifications and other conditions applicable to a post as laid down under sub rule (2) of rule 3, the experience prescribed for initial appointment shall be the post-qualification experience].

°[12-A. Alteration in the date of birth.—The date of birth once recorded at the time of joining government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible].

*Subs vide Establishment Division Notification S.R.O. No. 146(1)/84, dated 9-2-1984. **Subs vide Establishment Division Notification S.R.O. No.773(l)/2003, dated 28.7.2003

***Omitted & added vide Establishment Division Notification S.R.O. No. 970(I)/98, dated 9-9-1998. ®Subs vide Establishment Division Notification S.R.O. No. 520(1)/2000, dated 31-7-2000.

13. A candidate for appointment shall be a citizen of Pakistan;

Provided that this requirement may be relaxed with the approval of the Establishment Division:

Provided further that, in the case of candidates to be appointed on temporary basis to posts in the Pakistan Missions abroad, such relaxation shall not be accorded for a period exceeding one year at a time.

14. Vacancies in the undermentioned posts shall be filled on All- Pakistan basis in accordance with the merit and provincial or regional quotas prescribed by Government from time to time:

(i) All posts in *[basic pay scales 16 and above and equivalent].

(iit) Posts in **[basic pay scales 3 to 15 and equivalent] in offices, which serve the whole of Pakistan **[:]

**[Provided that if no suitable person holding the domicile of the Province or Region to which a vacancy has been earmarked and fulfilling the prescribed qualifications is found even after the vacancy has been advertised twice, the appointing authority may fill up the vacancy on open merit on contract in the following manner, namely:-

(i) contract appointment shall be made initially for a period of one year, and if the post falls under the purview of the Federal Public Service Commission, the Commission shall be informed about contract appointment;

(ii) if nomination is not received from the Federal Public Service Commission within one year, contract appointment may in the public interest be extended for another one year; and

(iii) the Federal Public Service Commission shall ensure that the nominations of the qualified candidates are made within a period of two years. If Federal Public Service Commission does not find a suitable candidate, it shall advise the appointing authority, for the extension in the contract].

15. Vacancies in posts in *[basic pay scales 3 to 15 and equivalent] in offices which serve only a particular province or region shall be filled by appointment of persons domiciled in the province or region concerned.

*Subs, vide Establishment Division Notification S.R.O. No. 146(1)/84, dated 9-2-1984. ** Subs. and added vide Establishment Division Notification S.R.O. No. 784(1)/2002, dated 7-11-2002.

16. Vacancies in posts in *[basic pay scales 1 and 2 and equivalent] shall ordinarily be filled on local basis.

17. A candidate for appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who after such medical examination as Government may prescribe is found not to satisfy these requirements, shall not be appointed.

PART-IV. —-- AD HOC AND TEMPORARY APPOINTMENTS

18. **[When under the Federal Public Service Commission (Functions) Rules, 1978, a post is required to be filled through the Commission, the appointing authority shall forward a requisition to the Commission on a prescribed form immediately. In exceptional cases, ad hoc appointment may, however, be made for a period of six months or less with prior clearance of the Commission as provided in rule 19.

19. When the appointing authority considers it to be in public interest to fill a post falling within the purview of the Commission urgently pending nomination of a candidate by the Commission, it may proceed to fill it on ad hoc basis for a period of six months or less after obtaining prior clearance of the Commission. The post shall be advertised and the same procedures as laid down for initial appointment in Part III shall be followed in making ad hoc appointments].

20. Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding six months, may be filled by the appointing authority otherwise that through the Commission on a purely temporary basis after advertising the vacancy.

**PART V — PROBATION

21. (1) Persons appointed by initial appointment, promotion or transfer shall be on probation for a period of one year.

*Subs, vide Establishment Division Notification S.R.O. No. 146(1)/84, dated 9-2-1984. **Subs vide Establishment Division S.R.O. No.122(1)/2000, dated 15-3-2000. ***Added vide Establishment Division Notification S.R.O. No. 968(I)/82, dated 21-9-1982.

(2) The period of probation may be curtailed for good and sufficient reasons, to be recorded, or, if considered necessary, it may be extended for a period not exceeding one year as may be specified at the time of appointment.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation.

(4) If no order is issued under sub-rule (3), on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided that, subject to the provisions of proviso to sub-section (2) of section 6 of the Civil Servants Act, 1973 in the absence of an order under sub- rule (3), the period of probation shall, on the expiry of the extended period under sub-rule (2), be deemed to have successfully been completed.

[Authority .— Establishment Division Notification S.R.O.No.1498(1)/73, dated 20-10-1973].

Appointment, Promotion and Transfer Rules for Ministerial Staff

SI. No. 2

In pursuance of sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the ministerial posts in Ministries/Divisions and Departments under the Federal Government:-

METHOD OF APPOINTMENT

2. The posts shall be filled in as follows:-

Name of post Promotion Direct Recruitment 1 2 3 L.D.C. 10% 90% LDC (Selection Grade) 100% - UDC 50% 50% *33% of the posts of LDCs/UDCs/Assistants & Superintendents are in Selection Grade Name of post Promotion Direct Recruitment 1 2 3 UDC 100% --

(Selection Grade)’

Assistant 50% 50% Assistant 100% - (Selection Grade)

Assistant Incharge 100% - Superintendent 100% - Superintendent 100% - (Selection Grade)

Stenotypist 100% - “Stenotypist 100% - (Selection Grade)”

Stenographer 50% 50% Stenographer 100% -

(Selection Grade)®

Provided that:-

(i) Failing promotion the posts falling in the promotion quota except the posts of Superintendent, Assistant Incharge and all the selection grade posts shall be filled in by direct recruitment and failing direct recruitment by transfer.

(ii) Failing promotion due to non-availability of suitable person the posts of Assistant Incharge and Superintendent shall be filled in by transfer

as prescribed by the Establishment Division from time to time.

"33% of the posts of LDC/UDC/Assistant and Superintendent are in Selection Grade.

“Ins. vide Finance Division O.M. No.F.1(45)lmp.1I/87, dated 25-4-1988.

330% of the posts of Stenotypist are in Selection Grade.

©33% of the posts of Stenographer are in Selection Grade.

CONDITIONS FOR PROMOTION

3. Promotion to posts in column 1 below shall be made by selection from amongst the persons who hold the posts specified in column 2 on a regular

basis and possess the qualifications and experience prescribed in column 3.

Name of the post 1 L.D.C.

LDC (Selection Grade)

U.D.C.

UDC (Selection Grade).

Assistant

Assistant (Selection Grade)

Assistant Incharge

"Stenotypist (Selection Grade) Stenographer

Stenographer (Selection Grade) Superintendent

Superintendent (Selection Grade)

Person eligible 2 Qasid, N/Qasid, Daftry, Record Sorter, DMO, and other employees holding lower posts. LDC

LDC UDC UDC Assistant

Assistant/ Assistant (Selection Grade)

Stenotypist Stenotypist Stenographer Assistant Incharge/ Assistant (Selection

Grade)/Assistant

Superintendent

Conditions of eligibility 3

Matriculate with typing

speed 30 w.p.m.

Selection on seniority- cum-fitness.

3 years service as LDC Seniority-cum-fitness.

3 years service as UDC. Selection on the basis of seniority-cum-fitness.

3 years Service as Assistant (Selection Grade) or Assistant. Seniority-cum-fitness

3 years service as Stenotypist.

Selection on the basis of seniority-cum-fitness.

5 years service as Assistant/ Incharge/ Assistant Selection Grade)/Assistant. Selection on the basis of seniority-cum-fitness.

Note:- Promotion to the posts of UDC, Assistant and Stenographer will be made on the basis of seniority-cum-fitness. Grant of selection grade in the post of LDC, UDC, Assistant, Stenographer and Superintendent will also be made on the basis of seniority-cum- fitness. Promotion to the post of Assistant Incharge and Superintendent will be made by selection on merit. Promotion to the post of LDC will also be made on the basis of merit.

‘Ins vide Finance Division O.M. No.F.1(45)Imp.II/87, dated 25-4-1988.

QUALIFICATIONS/CONDITIONS FOR TRANSFER

4. Appointment by transfer shall be made from amongst the persons holding equivalent appointment in the Ministries/ Divisions/Departments under the Federal Government on a regular basis, provided they possess the qualifications/experience prescribed for direct recruitment or promotion to the post concerned.

QUALIFICATIONS/EXPERIENCE AND AGE LIMIT FOR DIRECT RECRUITMENT

5. A candidate must possess the educational qualifications and experience and must be within the age limit as mentioned against the post concerned in the schedule to this notification:

Provided that the maximum age limits will be relaxed by 3 years in the case of candidates belonging to Scheduled Castes, Buddhist Community, recognised tribes of the Tribal Areas, Azad Kashmir, Northern Areas (District of Gilgit, Skardu and Diamir), FATA, Sindh (R) and Balochistan in accordance with the instructions issued by the Establishment Division:

Provided further that the maximum age limit may be relaxed but not more than 10 years in respect of Government servants who have completed at least 2 years continuous service on the closing date of the advertisement and only upto the age of 55 years, if applicable.

PROBATION

6. Persons appointed by promotion or direct recruitment or by transfer shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons, to be recorded; or, if considered necessary it may be extended for a period not exceeding one year as may be prescribed at the time of appointment or during the probation period. Appointment on probation shall be subject to the provisions of section 6 of Civil Servants Act, 1973, read with rule 21 of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

SCHEDULE

Sl. Name of Qualifications/ Maximum

No. — the post Experience age limit

As LDC Matriculation with typing 25 years speed 30 w.p.m.

2. UDC Intermediate 25 years

3. Assistant Graduate 28 years

4. Stenotypist Matric with 80/40 w.p.m. 25 years

speed in shorthand and typing respectively.

5. Stenographer Intermediate with 100/50 w.p.m. 25 years speed in shorthand and typing respectively.

‘Note.- Minimum age limit for initial appointment to the ministerial posts shall be 18 years

[Authority.- Estt. Division Notification No.S.R.O.248(1)/88, dated 7-4-1988].

SI. No. 3

Bar against making recruitment without framing Recruitment Rules for Civil Posts.- Instances have come to the notice of the Establishment Division that appointments to certain posts have been made by _ the Ministries/Divisions without framing recruitment rules for these posts. Not only does this practice cause hardship to the individuals themselves but also creates administrative difficulties at the time of their promotion/ recruitment. It has, therefore, been decided that:-

(i) Appointments (by promotion, transfer or direct recruitment) to the posts for which recruitment rules do not exist or have not been finalized in consultation with Establishment Division/FPSC, may not

be made in the absence of Recruitment Rules; and the practice to place the requisitions with FPSC, through the Establishment Division, allowed vide this Division d.o. letter No.9/2/74-DV, dated 15th February, 1975 may be stopped forthwith.

“Added vide Estt. Division Notification No. S.R.O. No.534(1)/92, dated 1-6-1992. (ii) Recruitment rules for all posts sanctioned with the concurrence of the competent authority, if not in existence, should be framed/ finalized within three months of the issue of this circular.

(iii) In future the proposals regarding recruitment rules referred to this Division after the expiry of three months of the creation of posts, will not be entertained by the Establishment Division.

2. In order to simplify the procedure of framing recruitment rules, it has further been arrived at that the decisions contained in para 1 above should be implemented according to the procedure indicated below:-

Every new proposal forwarded to the Establishment Division regarding recruitment rules, should contain the following information/documents:-

(i) Number of post(s) to be filled and the number of the feeding post(s), if any.

(ii) Job-description of the post(s).

(iit) Where a post is to be filled by promotion, the recruitment rules of the feeding posts(s) (if any) may also be furnished.

(iv) Copy of the sanction regarding creation/continuance of post(s), duly endorsed by the Finance Division.

(v) Organizational chart of the establishment where the post(s), in question exist.

3. All the instructions, issued by the Establishment Division on the subject from time to time, may be deemed to have been superseded to the extent they are inconsistent with the instructions contained in this Office Memorandum.

[Authority.- Estt. Division O.M.No.11/1/81-R.5, dated 20-8-1981].

SI. No. 4

Framing of Recruitment Rules.- The methods of appointment of Federal civil posts are regulated under the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 framed under Section 25 of the Civil Servants Act, 1973. As these rules provide the basic framework for appointment to Federal civil posts, instructions were issued vide Establishment Division O.M.No.9/1/73-D.V., dated 29.11.73 (SI.No.21) laying down a simplified format for notifying recruitment rules since the earlier pattern of detailed recruitment rules for various posts/cadres was no longer considered necessary. The system has its advantages but over the years, the framing of recruitment rules has become an_ increasingly mechanical exercise and is now reduced to simply inserting uniform standards (of educational requirements, experience, age limits, etc) for equivalent posts in various departments. As a result, the recruitment rules are no more viewed as important and essential instruments of career planning nor do they properly reflect the job requirements particularly in technical posts/cadres. This trend should be reversed and recruitment rules for various posts/cadres should be framed with greater care to serve, on the one hand, as instruments of career planning for the officials concerned and on the other, be tailored around the job requirements particularly in technical cadres.

2. It is, therefore, requested that while framing recruitment rules due consideration should be given to job descriptions for laying down the qualifications/experience for posts and the composition of cadre for prescribing percentage, for direct recruitment and promotions. Efforts should be made to safeguard both the department's interest in raising a fully qualified and experienced cadre and the career interests of its members whose promotions are governed under the provisions of recruitment rules.

3. Establishment Division has_ also_ noticed that some Divisions/Departments have framed recruitment rules for isolated posts or very small cadres (comprising 3-4 posts) like telephone operators, lady health visitors, teachers of departmental schools, etc. This is not a satisfactory arrangement because such isolated posts or tiny cadres do not offer adequate prospects of promotion to the incumbents. In such cases it would be advisable to fill the posts by having officials on deputation from departments which have large cadres operating in the relevant field, such as T&T Department in the case of telephone operators, Federal/ Provincial Health/Education Departments in the case of lady health visitors and teachers, etc. The Divisions/Departments are, therefore, advised not to frame separate recruitment rules for their isolated posts or very small cadres where officials with requisite skills are available in other federal/provincial departments. The posts of the type under reference may be filled by deputation on tenure basis.

4. AS a matter of general policy a person below the age of 18 years cannot be employed as a Government servant. Other than this limitation, prescribing minimum age limits for each post is not only unnecessary but leaves the possibility of denying opportunity to some otherwise qualified and capable candidates on a mere technicality. It has, therefore, been decided that while framing recruitment rules, no conditions regarding minimum age be mentioned. In the existing cases, Ministries/Divisions may consider the matter and take steps to amend the rules, wherever necessary.

[Authority.- Estt.Division O.M.No.9/1/73-R.5, dated 22-8-1984].

SI. No. 5

It has been observed that the Ministries/Divisions resort to making ad hoc appointments either in the absence of Recruitment rules or during the course of finalization of these Rules. It has also been observed that the finalization of recruitment rules take considerable time and the F.P.S.C. do not entertain requisitions for regular appointments or proposals for first extension in ad hoc appointments unless the rules have been notified. This leads to avoidable administrative complications besides causing financial hardship to the ad hoc appointees. Ministries/Divisions are, therefore, advised to invariably draft their recruitment rules in the light of model rules already circulated and follow up their finalization/notification on top priority basis so that the time-lag is reduced to the barest minimum. Wherever necessary, Ministries/ Divisions may hold joint meetings with the Establishment Division/FPSC so as to eliminate delay in the finalization of the recruitment rules.

[Authority.- Estt.Division O.M.No.2/7/85-CP.5 dated 10-6-1987].

SI. No. 6

Recruitment Rules for various posts are required to be framed by the Ministries/Divisions concerned in consultation with the Establishment Division in pursuance of rule 3(2) of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. Concurrence of the Federal Public Service Commission is also required with regard to qualifications for, and methods of recruitment to posts in BPS-16 and above, in the light of Section 7(b) Federal Public Service Commission Ordinance, 1977 read with FPSC (Functions) Rules, 1978.

2. The question of finding ways to cut down the inordinate delay often involved in the finalization of the recruitment rules due to protracted correspondence between the Ministry/Division concerned, the Federal Public Service Commission and the Establishment Division has been receiving the attention of the Establishment Division for some time past. It has now been decided on the recommendation of the Committee for Decentralization of Powers recently appointed by the President to appoint a standing committee comprising one representative of the Ministry/Division concerned and one representative of the Establishment Division to finalize the recruitment rules by discussion whenever their finalization is delayed due to difference of opinion between the Ministry or Division concerned and the Establishment Division or

between any of the above two and the Federal Public Service Commission will also be invited to the meeting of the Committee where there is a difference of opinion with F.P.S.C.

[Authority.- Estt. Division O.M.No.7/6/87-R.5, dated 10-7-1988].

Amendment in the Recruitment of rules of civil posts

SI. No.6-A:

In pursuance of sub-rule(2) of rule 3 of the Civil Servant (Appointment, Promotion and Transfer) Rules 1973, Recruitment Rules of Civil posts are made by Ministries/Divisions in consultation with the Establishment Division. Where the Recruitment Rules provide for filling a post through promotion, the following standard proviso is laid down in Rule-2(Method of Appointment):-

"Provided that if no suitable person is available for promotion, the post or posts reserved for promotion shall be filled by initial appointment and failing that by transfer"

Sometimes it may be necessary in the public interest to fill promotion posts through temporary transfer/posting of a highly qualified civil servant or by deputation of a highly qualified employee of a public sector corporation. In order to make an enabling provision for this purpose in the Recruitment Rules, the Chief Executive has been pleased to approve that the following proviso shall be added below the above cited proviso in the Recruitment Rules of all civil posts:-

"Provided further that if no suitable person is available for promotion to a

post, it may be filled, in the public interest, by temporary transfer/posting of a civil servant, or by deputation of an employee of a public sector corporation, in consultation with his appointing authority"

Similar proviso may be incorporated in Recruitment Rules that may be made by Ministries/Divisions in further.

[Authority.- Estt. Division O.M.No. , dated 20.10.2002].

Standardisation of pay scales and recruitment rules for Librarians working in the Federal Government Organizations

SI. No. 7

Since long the question for standardisation and rationalization of pay scales, qualifications and experience for librarians working in the Federal Government Organizations has been under consideration of the Government. The President has now been pleased to approve the proposal contained in paragraph-3 of Education Division's Summary bearing u.0.NO.F.6-13/84-AD(Lib), dated 2-1-1984 and approval conveyed vide Establishment Division u.o.No.8/50/83-R.1., dated 21-8-1985. The contents of paragraph-3 of the Summary approved by the President are reproduced below:-

Group Name of Post Basic Pay Qualifications/Experience required Type of Govt. Scale Library i 2 3 4 5 I. Chief Librarian/ 20 At least Second Class Master's Degree 1. National Director General in Library Science/ Information Sciences | Library with 17 years professional-cum- administrative experience in B-17 and 2. Federal above. Department of Libraries.

Experience relaxable by one year for those holding Degree from a Foreign University.

OR

Ph.D. in Library Science with 15 years experience in the relevant field.

Group Name of Post Basic Pay Qualifications/Experience required Type of Govt. Scale Library

Research

2 3 4 5 Il. Principal Librarian/ 19 At least Second Class Master's Degree 1. National Director in Library Science/ Information Sciences Library

plus 13 a professional peaekee in | > Federal aoe anda Beanie Ate relaxable Department

y one year ort ose holding Degree of Libraries. from a Foreign University.

3. Other is Libraries with

Ph.D in relevant subject plus 10 years 150,000 or post qualifications experience in the more relevant field. volumes

Ul. Senior Librarian/ 18 At least Second Class Master's Degree | 1. National Senior in Library Science/ Information Library Documentation Sciences/ Documentation plus 6 years 2. Federal Officer/Senior post qualification experience in the Department Bibliographer/ relevant field. Experience relaxable by of Libraries Senior Editor, one year for those holding Degree from , National a Foreign University. 3. Other Bibliography/Depu Libraries with ty Director. 50,000 or

more volumes.

IV. Librarian/ 17 At least Second Class Master's Degree | 1. National Bibliographer/ in Library Science/ Information Library. Bae ee Sciences. 2. Federal Sn ae OR Department Documentation Graduate with Diploma in Library OpPIBIaHee: Officer/Research Science from a University or Bachelor 3. Other Officer/Assistant of Library Science, plus 5 years post Libraries with Director. qualifications professional experience 15,000 to

in B-16 otherwise 8 years if not in B-16. | 50,000 OR volumes.

Second Class Master's Degree in

relevant subject with Diploma in Library

Science or Bachelor of Library Science.

V. Assistant 16 At least Second Class Bachelor's 1. National Librarian/ Junior Degree with Diploma in Library Science | Library. Librarian/ a) or Sere irate Science 2. Federal Assistant Editor preferably with experience. Department Eeolstalt of Libraries.

Officer/Assistant 3. Other Documentation Libraries upto Officer/Deputy 15,000 Assistant Director volumes.

Group Name of Post Basic Pay Qualifications/Experience required Type of Govt.

Scale Library 1 2 3 4 5 Vi. Sub-Librarian 15 Graduate with Diploma in Library 1. National Science from a University or Bachelor Library. of Library Science. 2. All other OR Government Graduate with Certificate in Library Libraries. Science from Institutions recognized and notified by the Ministry of Education plus two years experience.

VIL. Library Assistant/ 1) B-12 Graduate with Certificate in Library 1. All Technical Science from Institutions recognized Government Assistant/ and notified by the Ministry of Libraries. Reference Education.

Assistant 2) B-10 Intermediate with Certificate in Library Pena / Science from Institutions recognized

Set ioe ara OUeh and notified by the Ministry of Classifier 3) B-9

Education.

Matric with Certificate in Library Science from Institutions recognized and notified by the Ministry of Education.

2. All Ministries/Divisions/Departments are therefore advised to initiate action to upgrade/redesignate the existing professional/technical posts of Librarians and to amend their relevant recruitment rules so as to bring the same in conformity with above provisions of the approved Summary. It may, however, be clarified that the upgradation of post implies abolition of the existing post and creation of a new post higher grade. Upgradation of post does not mean automatic upgradation of its incumbent. Appointment to the upgraded post will have to be made in the manner prescribed for the post under the existing rules. If a post is upgraded with immediate effect, the incumbent would be left without any post (in his pay scale) until he is approved for appointment to higher grade. In view of this position,

Ministries/Divisions are requested that while sanctioning upgradation of the existing posts, it should be clearly provided in sanction letter that upgradation of the posts would take effect from the date the post is actually filled by a person in the higher grade. This would ensure that until the existing incumbent is formally appointed to higher grade the post and the incumbent would continue to be in lower grade.

3. If the incumbents working against the posts which have been upgraded do not possess the requisite qualifications/ experience of the upgraded post they will continue to work in their present grade and they will be allowed to improve their qualifications within a period of 5 years failing which their grade would be a dying cadre.

4. The incumbents of posts under Group-VIl carrying B-13 - 14 will continue to draw their pay in their present scales are personal to them so long they hold the post and that would be a dying cadre.

5. This issues with the approval of Finance Division and Establishment Division vide No.F.2(59)R.2/83, dated 21-11-1985 and No.8/50/83-R.1 dated 14-11-1985 respectively.

[Authority.- Education Division O.M.No.F.6-13/84-AD(Lib), dated 26-12-1985].

Recruitment Rules for the posts of

Private Secretary (B-17) to the Secretaries/ Additional Secretaries and other officers in BPS-21/22 provided with the services of P.S in the Federal Government

SI. No. 8

A copy of the Gazette Notification No.SRO 99(KE)/87, dated 22nd October, 1987 on the subject (Annexure) is given for information of all the Ministries/Divisions.

2. It may be noted that only those officers in BPS-22/21, other than the Federal Secretaries/Addl.Secretaries are entitled to a Private Secretary who have either been specifically allowed ex-officio secretariat status or have

been allowed with the approval of Establishment and Finance Divisions to have a Private Secretary (B-17) on their personal staff.

[Authority.- Estt.Division O.M.No.9/2/74-R.6(Pt.2), dated 21-1-1988].

ANNEXURE NOTIFICATION

Rawalpindi, the 22nd October, 1987 S.R.O.99 (KE)/87:

In pursuance of sub-rule(2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post of Private Secretary (BPS-17) to the Secretary/Additional Secretary and other officers in BPS-22/21 in the Federal Government:-

2. Method of Appointment.- Appointment to the post shall be made by promotion on the basis of selection by the DPC of the Ministry/Division/ Department concerned and with the approval of the appointing authority, from amongst the regularly appointed Stenographers of the Ministry/ Division/Department concerned:

Provided that failing promotion the post of Private Secretary shall be filled by transfer in accordance with para 4 below.

3. Conditions for Promotion.- Promotion to the post in column 1 below shall be made by selection from amongst the persons who hold the post specified in column 2 on a regular basis and possess qualifications and experience prescribed in column 3;

Name of the Post Persons eligible Conditions of eligibility

1 2 3

Seven years satisfactory

Private Secretary Regularly appointed ;

(BPS-17) Stenographers, including S€"vice as Stenographer, those in the selection including service in grade. selection grade.

4. Qualifications/Conditions for Transfer.- If no suitable person is available for promotion to the post in the Ministry/ Division/Department concerned, the vacancy shall be filled in by appointment from amongst the regular Stenographers, employed in other Ministries/Divisions/Departments who fulfil the conditions for promotion to the post as laid down in para 3 above, in consultation with the Establishment Division.

5. Probation.- Persons appointed by promotion shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded or if considered necessary, it may be extended for a period not exceeding one year as may be prescribed at the time of appointment. Appointment on probation shall be subject to the provisions of section 6 of the Civil Servants Act, 1973 and rule 21 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

6. This supersedes Establishment Division's Notification No.S.R.O.118 (K)/66, dated 8th February, 1966.

SI. No. 9

Recruitment to the posts of Private Secretaries to the Federal Ministers and Ministers of State.- /n supersession of the Cabinet Division's O.M.No.112/2/80-Min.I, dated 10th November, 1980 and No.112/18/81- Min.|, dated 13th March, 1982, it is stated that the Federal Ministers and Ministers of State shall appoint their Private Secretaries from the normal source (not from outside), provided it does not involve out of turn/accelerated promotion for the Private Secretary, as follow:-

Federal Ministers: A BS 16/17/18 officer or a Deputy Secretary in his own pay and allowances with a ‘special pay.

Ministers of State:

A BS 16/17/18 officer in his own pay and allowances with a special pay or a Government servant in lower pay scale in his own pay and allowances with a ‘special pay.

2. Finance Division's O.M.No.F.1(1)-lmp/83, dated the 18th August, 1983 and No. F.26(1)R-1/80(ii), dated 30th June, 1981 and No.F.1(1)- Imp/83-Pt(iii), dated 15th September, 1983 are modified to the above extent in respect of rates of special pays admissible to the Private Secretaries to the Ministers.

3. This issues with the concurrence of Establishment and the Finance Division conveyed vide their O.M.No.12/1/88-OMG-I, dated 7th April, 1988, and No.F.2(55)R.3/88-615, dated 1st August, 1988 respectively.

[Authority.- Cabinet Division O.M.No.112/6/87-Min.1, dated 20-11-1988.

Framing of Recruitment Rules of Project Posts

SI. No.9-A: The Establishment Division keep on receiving references on the following points from Ministries/Divisions for advice:-

(i) Whether project posts fall within the purview of the FPSC?

"Please see Chapter VI, Pay, Allowances and other Benefits.

(it) Whether the Recruitment Rules of project posts require approval by the Commission in terms of FPSC

Ordinance, 1977? 2. The position is clarified in the succeeding paragraphs.

3. The terms "project posts" has not been used in the Civil Servants Act, 1973 and the rules made thereunder. The Civil Servants Act, 1973 uses the expression 'civil posts in connection with the affairs of the Federation". Thus the formulation of the question referred to in para 1 is flawed. Projects are executed by the Ministries/Divisions/Attached Departments/Subordinate Offices, as well as autonomous bodies. If a project is executed by a Government Department, i.e. Division/Attached Department of Subordinate Office, project posts, shall fall in the category of civil posts in connection with the affairs of Federation and fall within the purview of the FPSC in terms of section 7 of the FPSC Ordinance, 1977 and Recruitment Rules for these posts require the approval of the Commission. Where a project is being executed by an autonomous body, project posts would be outside the purview of the Commission.

[Authority.- Establishment Division's O.M.No.7/8/2000-R.6, dated 27.07.2002].

Mode of appointment of Daftries and Record Sorters

SI. No. 10

It has been represented to the Establishment Division, that there exists some doubt as to the method of recruitment to posts of Daftries/Record Sorters in the Central Secretariat/Attached Departments. So far as the Establishment Division are aware, the practice in undivided India was that posts of Daftries were filled by promotion of Peons (including Jamadars). The same practice is being followed in Pakistan and it should be continued. So far as recruitment to posts of Peons is concerned, the policy of Government at present is not to impose a standard of literacy. The duties attached to posts of Daftries/Record Sorters, however, require that the incumbents of those posts should be able to read e.g., file numbers and references in circular letters, etc. Literacy to that extent is, therefore, clearly necessary for appointment to posts of Daftries, Record Sorters. Accordingly promotion to posts of Daftries should be made from amongst Peons (including Jamadars) on the principle of "seniority-cum-fitness", but, if the

senior most Peon is not literate to the extent indicated above, he is not suitable for appointment as a Daftry.

[Authority.- Estt. Division O.M.No.20/2/51-ME, dated 15-9-1951]. SI. No. 11

In the Establishment Division Office Memorandum No. 20/2/51-ME, dated the 15th September, 1951, it was pointed out that promotion of Peons including Jamadars to posts of Daftries should be made on the principle of seniority-cum-fitness but that a certain amount of literacy was essential. The illustration given in that Office Memorandum that the candidates should be able to read, e.g., file numbers and references in circular letters, etc., was not intended to be exclusive. The candidate must definitely be able to read in order to be able to trace such papers and others required. A very high standard is not required but it was not intended to laydown merely a minimum standard of semi-literacy.

2. The exact application of these instructions is a matter for the Ministries concerned. As, however, the post is not a selection post, Ministries should not depart from the general principle of seniority-cum-fitness. This principle should not be interpreted in such a matter as to preclude normal promotion of a Jamadar or a Peon who can reasonably fulfil his duties as a Daftry; but Ministries should show their discretion in deciding what standard to insist upon when well qualified/literate Peons are also available.

[Authority.- Estt. Division O.M.No. 20/2/61-MEI, dated 30-4-1952.] SI. No. 12

Recruitment of Peons '(Naib Quasids)-lmprovement in the working of Federal Secretarial.- The following decisions have been taken on the basis of recommendations made by the Committee appointed by the Cabinet Secretary on the O&M Report on "Improvement in the working of the Federal Secretariat":-

(i) Persons recruited as Peon should be able to at least read and write.

(it) To avoid over-crowding in the corridors, Peons should be persuaded to sit in the Stenotypists' rooms.

2. No standard of literacy was so far prescribed for recruitment to the posts of Peons under the Federal Government. Henceforth, Ministries/Divisions/Attached Departments/ Subordinate Offices should recruit only those persons as Peons who are able to read and write.

3. It may also please be ensured that Peons sit in the Stenotypists' rooms in order to avoid over-crowding in the corridors.

[Authority.- Estt. Division O.M. No.13/7/74-F.1, dated 13-8-1974]. "The post of Peon in the Federal Secretariat has been redesignated as Naib Quasid.

Merit/Provincial/Regional quotas for recruitment to civil posts

SI. No. 13

Revised ratios of merit and various Provincial/Regional quotas.- The question of revision of the Provincial/regional quotas for recruitment to the civil posts under the Federal Government has been under consideration of Government for some time. It has been decided that with immediate effect the following merit and provincial/regional quotas shall be observed in filling vacancies reserved for direct recruitment to posts under the Federal Government which are filled on all-Pakistan basis:-

Merit quota 10% Punjab (including Federal area of Islamabad) 50% Sindh (including Karachi) 19%

The share of Sindh will be further sub-allocated in the following ratio:

Urban areas namely Karachi, Hyderabad and Sukkur 40% of 19% or 7.6%

Rural areas /.e. rest of Sindh excluding 60% of 19%

Karachi, Hyderabad and Sukkur or 11.4% N.W.F.P. 11.5% Balochistan 3.5% "Northern Areas and Federally Administered A% Tribal Areas

Azad Kashmir 2%

[Authority.- Estt. Division O.M. No.8/9/72-TRV, dated 31-8-1973]. "Please see clarification vide Estt. Division O.M.No.4/1/83-R.2, dated 27-7-1983, SI.No.42). SI. No. 14

(1) The rules-15 and 16 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, provide as under:-

"Rule-15. Vacancies in posts in BPS-3 to 15 and equivalent in offices which serve only a particular province or region shall be filled by appointment of persons domiciled in the province or region concerned.

Rule-16. Vacancies in posts in BPS 1 and 2 and equivalent shall ordinarily be filled on local basis."

(2) Recruitment to posts upto BPS-15 in all the offices of the I.C.T. administration and other Federal Government Offices whose functional jurisdiction is restricted to the Islamabad Capital Territory, is required to be made on regional/local basis in accordance with the above quoted rules.

(3) Attention is also invited to the Estt. Division's O.M. No. 8/9/72- TRV/R.2, dated 29-09-1973 (SI. No.49) under which the provincial/regional quotas have been made applicable to appointments in or equivalent to BPS-

17 and above in all Autonomous/Semi-autonomous bodies under the administrative control of the Federal Government. As such, recruitment to posts upto BPS-16 in autonomous/semi-autonomous bodies located in Islamabad is outside the provincial/regional quotas.

(4) All Ministries/Divisions and Heads of Departments are requested that the above rules/instructions may please be observed strictly while making recruitment to the posts upto BPS-15 in offices/organizations under their control.

[Authority.- Estt. Division O.M. No.8/9/72-TRV/R.2, dated 25-2-1990]. SI. No. 15

Quota for Azad Jammu & Kashmir Nationals in Pakistan Services.- It has been decided that 2% quota in the Federal services has been reserved for Azad Jammu and Kashmir, vide Estt. Division's O.M.No.8/9/72-TRV, dated 31.8.1973. It is requested that this quota may please be observed strictly while making direct recruitment to posts in Ministries/Divisions and Departments.

[Authority.- Estt. Division O.M No.4/8/90-R.2, dated 2-9-1990].

SI. No. 16

Reference Establishment Division's O.M. No. 8/9/72-TRV, dated the 31st August, 1973 (SI. No. 13) it is stated that a combined quota of 4% had been fixed for the Northern Areas and FATA for recruitment to federal civil services/posts filled by direct recruitment on an all-Pakistan basis. It is requested that while making recruitment to civil posts under the Federal Government and to posts/vacancies equivalent to BPS-17 and above in corporations/autonomous bodies, set up or controlled by the Federal Government, the aforesaid quota may kindly be strictly adhered to.

[Authority.- Estt. Division O.M. No.4/3/80-R.I| dated 8-5-1986].

Verification of antecedents

on first appointment SI. No. 17

Revised procedure for vetting of Government Employees.- In supersession of all previous instructions on the subject,it has now been decided, in consultation with the Intelligence Bureau, to introduce a simplified and less time-consuming procedure for the verification of antecedents of employees at the time of their first appointment in Government service.

2. According to the revised procedure, all Federal Government Ministries/Divisions/. Departments, including Federal Public Service Commission, will make simultaneous references for security clearance of fresh employees to the following agencies:-

(a) Intelligence Bureau, Government of Pakistan.

(b) District Police.

(c) Special Branch of concerned Provincial Police.

3. The Intelligence Bureau has undertaken to give a political record check of the candidates direct to the concerned Departments within a maximum period of one month. In case a report from the Intelligence Bureau is not received within one month the concerned Department will allow the selected candidates to join their posts on production of character certificates from two Government officers not below Grade-17. It will, however, be understood that the appointees will remain on probation for a period of six months or till the receipt of their vetting report. During the probationary period the new appointees will not be entrusted with sensitive duties/assignment.

4. The District Police and the concerned Special Branch will be required to give clearance in respect of the character and antecedents of fresh entrants in Government service within a maximum period of two months. These agencies will return the verification rolls, after conducting local enquiries, direct to the concerned department and not through the

Intelligence Bureau except in cases where the conduct of the candidate has come to adverse notice and this aspect is considered relevant to his appointment in Government service.

[Authority.- Cabinet Division letter No. 12(3)/76-MW(S), dated 31-5-1977].

Note.- The prescribed form for verification of character and antecedents of candidates selected for appointment under the Federal Government is Form S. 190. (Annexure).

ANNEXURE

Form S.190(Revised)

PHOTO

GOVERNMENT OF...........006

Federal Public Service Commission Ministry/Division/Office

Verification Roll for candidates for appointment under the Government to be filled in by the candidate in his own handwriting.

1. The name of the post in which the candidate to be Appointed...........ccceeeeeeeees

2. Full name (in block letters) with surname and aliases if any Mr./MISS/MIS......0 ce eeeeeeeeeeeeteees

3. Previous name (if any) and reasons for ChanQG...........::ccccccceeeeeees

4. Father's name in full with occupation and income (if any)................0

5. Date and place of birth of the candidate give full address.............0000

6. Description a. (1) Height..........0... ee (2) Build .e., heavy/medium/light............. (3) Frame /.e., large/medium/thin.............. (4) Complexion...............- (5) Colour of hair............... (6) Colour of eyes.........

(7) Visible marks of identification............

b. (1) Religion by birth........... (2) Present Religion............

Residential address (with telephone number if any)

a. PreSent......eeeeeeeees

b. Permanent........c cece

Nationality:

a. Pakistan National by birth/migration/naturalization b. If naturalized/migrated:

(1) Previous nationality and address.............. (2) Date of migration..........

(3) Citizenship/Naturalization Certificate Particulars i.e No. date and place of issue et..............::0:

C. National Identity Card No., date and place of issue.

Local and other addresses during the last 10 years where the candidate has stayed for more than six months.

Address From To

10. Educational qualifications showing places of education from the age of 10 years.

Name and place Major field | Certificate/ of school and of study diploma degree college etc. obtained

Note.- A certificate of good character from the Head of Educational Institution last attended by the candidate (to be attached).

11. Knowledge of language:

Can understand Can speak Can write

12. Special training, any field.............. 13. Any distinctions obtained in literary, sports or miscellaneous fields: 14. a. Are you capable of sustained physical and mental activity? b. Have you had any serious illness or any operation in the past three years? C. How many days you lost from work in the past three years? 15. Has there been any case of mental/nervous illness in your close FElATIVES? ooo... eeeececetceeseeeeeseteeeeteeeeees 16. a. Do you take alcohol? b. Do you gamble? 17. a. Government offices or firms, with full description and

addresses where the candidate previously worked, and the reasons for leaving:

Offices/ Designation and | From To Reasons for

Note.- Certificate of performance from the Head of the Institution last served by the applicant (to be attached).

18. Offices/firms with full descriptions and addresses where the candidate previously applied without success:

Office/Firm | When applied for Job for which applied appointment

19. Particulars of wife (or husband as the case may be) of the candidate: a. Full name with father's naMe.......... eee b. Nationality ....cee Cc. ReIiQiONn...........00scceceeeseeees d. Date OF DIMM a scescnisencecntzerd e Place of birth... f. Occupation, if any............. g. Income, if ANY..........::ccc 20. Particulars of children: Name Sex Date of Birth Recent Address CR ere ree een et enn ee eee Dibcistcl Kp fi Woon fun fens tateseeiuhest vs inked vec adt acca nn dtaceany ECR ECeRCCMner errr errr nr errr tT tnT Usciisce eines rel isa ane naps seaaneatsennanntmencantnbeasiuss 21. Particulars of children or dependents educated or receiving

education:

a. Name of Child b. Relationship

c. Name of institution

d. City/country

e. Period of education abroad f. How financed

22. Full particulars of the candidate's near relations, who are in Government service in Pakistan and elsewhere, specifying the posts held, and where posted.

Name of relations Relationship | Post Place of held duty

23. Particulars of near relatives/dependents abroad:

Name with Nationality Occupation _ Place of relationship resident

24. (a) Assets:

Immovable Value Mode of acquiring

25. Membership of Clubs, Political Parties and Associations (Past and Present) (Name of Organization with date of joining and leaving):

Name of Club, Party From To

26. Details of Travels Abroad (including travels for education or training):

a. Passport particulars, if any................. including No., date and place of issue................

b. Countries for Which Valid..........ccceccceeeeeeeeeeeee c. Issuing authority................

d. Period of validity................

27.

Names with addresses of at least two references in Pakistan who can testify to the candidate's character and antecedents:

Name Address

28.

Name or address of your close friends:

Name Address

29.

Whether arrested, prosecuted, convicted, restricted or externed in any case, political or otherwise, if so full particulars including dates should be furnished.............

30.

Finger prints:

Po

Lj | | | di

Place-------- Date-------- Signature-----------

a. nesittavtaes candidate for appointment to........... hereby certify and solemnly affirm that my answers to the above questions are correct to the best of my knowledge and belief.

b. | fully understand that if the above statement is false in any material respect, or omits any material information my appointment is liable to be rejected/terminated and shall render me to legal and disciplinary action including dismissal if | am already in Government service.

SiQnature..........:c000

To be filled in by the Superintendent of Police, etc. concerned at the request of Ministry/Division/office/Federal Public Service Commission.

Remarks by:

Superintendent of Police Place---------- Date-----------

D.I.G. Special Branch Place---------- Date-----------

Director Intelligence Bureau Place----------

Annexure

FAMILY PARTICULARS

Note.- Full information in respect of Wife (husband in case of female employees), Father, Mother, Brothers, Sisters, Father-in-Law and Mother-in-Law should be furnished as under. In case of wife (or husband as the case may be) additional information in respect of her maiden name, date and place of birth, date and place of marriage, nationality and religion before marriage should also be furnished in remarks column.

Full Relationship Nationality | Religion Sect Occupation Whether Residential Political Remarks Name with complete oe on address affiliations details if any

Te le} o@ | « |» | oo |

Eligibility of women for appointment to posts in the service of Pakistan

SI. No. 18

A reference is invited to clause (1) of Article 27 of the Constitution according to which no citizen otherwise qualified for appointment in the service of Pakistan should be discriminated against in respect of any such appointment on the ground of sex. However, specified posts may be reserved for members of either sex if such posts entail the performance of duties and functions which cannot be adequately performed by members of the other sex, vide second proviso to the said clause(1).

2. It recently came to the notice of the Establishment Division that women were declared ineligible for appointment to a post under a Ministry without keeping in view the above constitutional provisions. The Ministries/Divisions are requested to keep in view the constitutional provisions quoted above in case they propose to declare women ineligible for appointment to any post under them, and obtain concurrence of the Establishment Division before doing so. For this purpose full justification should be furnished to the Establishment Division and the decision incorporated in the relevant recruitment rules.

[Authority.- Estt. Division O.M. No.34/I/75-D.V., dated 8-11-1975].

SI. No. 19

In the Establishment Division O.M.No.2/25/69-C.1., dated July 31, 1979, instructions were issued that appointments of officers of lower grades to posts in higher grades without observing the prescribed process must cease. It was also laid down that if it was necessary to do so due to exigencies of services the post should be down-graded with the approval of the Establishment Division.

2. In January, 1981, Rule 8-A and 8-B were inserted in the Civil Servants (Appointment, Promotion and Transfer) Rules, vide Establishment Division Notification No.S.R.O.41(1)/81, dated 12th January, 1981. Rule 8-A lays down that no promotion on regular basis shall be made in grades 19 to 21 unless the officer has completed the prescribed length of service. Rule 8- B provides for acting charge appointment in case the most senior civil servant otherwise eligible for promotion does not possess the specified length of service, or in the case of a grade 17 post and above, reserved under the rules for initial appointment, no suitable officer of the grade in which the post exists is available. For vacancies of less than 6 months, or in other cases not covered by Rule 8-B, current charge arrangement can be made in accordance with the Establishment Division O.M.No.1/21/76- AR.I/R.II., dated 18th June, 1980, as amended from time to time. With the issue of the instructions relating to acting charge appointments and current charge arrangements, there should be no difficulty in filling vacancies.

3. The Ministries/Divisions and Departments are once again requested to ensure that all appointments to higher posts, whether on regular basis or on acting charge/current charge basis, should henceforth be made strictly in accordance with the rules, and after observing the prescribed procedure and that on no account should a person be appointed to a higher post otherwise than in accordance with the rules, or without observing the prescribed procedure.

[Authority.- Estt.Division O.M.No. 5(1)/81-D.II-R/4, dated 12-12-1981]. SI. No. 20

It has been observed with regret that despite repeated instructions issued by the Establishment Division regarding appointment of Government servants against higher posts other than in accordance with rules and prescribed procedure. Ministries/Divisions and Departments of the Federal Government and the Provincial Governments (in the case of officers belonging to Occupational Groups controlled by the Establishment Division) continue to make appointments to higher posts occasionally in disregard of the above instructions. Officers appointed to higher posts without going through the prescribed selection process and approval of the competent authority claim pay and allowances of the higher posts on the basis of judgements of the Federal Service Tribunal and the Supreme Court of Pakistan in a number of such cases. This places the Government in an awkward position as pay and allowances of the higher posts have to be allowed to individuals who have not been regularly promoted and who are sometimes not even qualified or eligible for promotion. It also causes heart- burning and resentment among their seniors who were serving elsewhere or were bypassed at the time of making such irregular appointments.

2. While such irregular appointments are claimed to be made in

public interest and under unavoidable circumstances it has once again to be emphasized that appointments to higher posts in disregard of the prescribed rules and procedure should be avoided under all circumstances. Various provisions already exist in the rules for making appointments on acting charge, current charge and additional charge basis, to tide over temporary difficulties. It is, therefore, again reiterated that in future appointments against higher posts should only be made either on a regular basis in the prescribed manner, or on acting charge or current charge basis in accordance with the provisions of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and relevant instructions issued by the Government from time to time.

3. Disregard of the above instructions would be viewed seriously and may result in bringing the matter to the notice of the Prime Minister.

[Authority.- Estt.Division O.M.No.14/4/86-R.|, dated 2-5-1988].

Detailed recruitment rules

not necessary only method

of appointment, qualifications, experience etc. to be notified

SI. No. 21

Reference Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, it is stated that in view of these rules, it is no longer necessary to frame detailed recruitment rules on the pattern of model recruitment rules. It would suffice if only matters specified in sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 i.e. method of appointment, qualifications/ experience etc., are laid down in a notification (specimen at Annexure).

2. The Ministries/Divisions are therefore advised to take action accordingly in respect of the posts under them for which recruitment rules have not been framed so far and inform all concerned under them.

[Authority.- Estt. Division O.M.No.9/1/73-DV., dated 29-11-1973].

ANNEXURE

GOVERNMENT OF PAKISTAN MINISTRY OF (DIVISION)

NOTIFICATION

In pursuance of sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the posts of (Designation and Basic Pay Scale of the posts under the Ministry/Division).

METHOD OF APPOINTMENT

2. Specify method of appointment to the posts i.e. whether by promotion or direct recruitment. Where posts are required to be filled partly by promotion and partly by direct recruitment, the percentage for promotion/direct recruitment may also be mentioned.

For example: "The post of will be filled by direct recruitment." "25% of the posts of will be filled by promotion".

(if some posts are intended to be filled by transfer that too would require to be specified).

CONDITIONS FOR PROMOTION

3. Promotion to posts in column 1 below shall be made by selection from amongst the persons who hold the posts specified in column 2 ona regular basis and possess the qualifications and experience prescribed in column 3.

Name of the post | Persons eligible Condition of eligibility

QUALIFICATIONS/CONDITIONS FOR TRANSFER

4. Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in the same grade in which the post to be filled exists, provided the person concerned possesses the qualifications/experience prescribed for direct recruitment or promotion to the post concerned.

QUALIFICATIONS, EXPERIENCE AND AGE LIMITS FOR DIRECT RECRUITMENT

5. A candidate must possess the educational qualifications and experience and must be within the age limits as mentioned against the post concerned in the schedule to this notification. [Unless otherwise provided, the experience prescribed for initial appointment will be the post qualification]:

Provided that the maximum age limits will be relaxed by 3 years in the case of candidates belonging to Scheduled Castes, Budhist Community, recognized tribes of the Tribal Areas, Azad Kashmir, and Northern Areas (Districts of Gilgit, Skardu and Diamir), in accordance with the instructions issued by the Establishment Division:

Provided further that for Government servants who have completed at least 2 years service, maximum age limit may be relaxed by not more than 10 years upto the age of 55 years.

PROBATION

"[6.(1) Persons appointed by initial appointment, promotion or transfer shall be on probation for a period of one year.

(2) The period of probation may be curtailed for good and sufficient reasons, to be recorded, or, if considered necessary, it may be extended for a period not exceeding one year as may be specified at the time of appointment.

“Added, vide Estt. Division Notification No. F.9/3/92-R.5, dated 31-10-1992. “Subs, vide Estt. Division Notification No. S.R.O. 968(1)/82, dated 21-9-1982.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation.

(4) If no order is issued under sub-rule (3), on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided that, subject to the provisions of proviso to sub-section(2) of section 6 of the Civil Servants Act, 1973 in the absence of an order under sub-rule (3), the period of probation shall, on the expiry of the extended period under sub-rule (2), be deemed to have successfully been completed].

7. This notification issues with the concurrence of the Establishment

Division.

SCHEDULE (See para 5)

Designatio | Qualification Age Limited

n and s and Maximum Minimum grade of experience

the post

Deputy Secretary Consultation with F.P.S.C. in

respect of recruitment ‘rules SI. No. 22

F.P.S.C. not to be consulted in respect of posts in BPS-15 and below.- It has been brought to the notice of this Division by the FPSC that the Commission are receiving references in respect of recruitment rules for posts in BPS-15 and below from various Ministries/Divisions.

2. In this connection attention is invited to para-3 of this Division O.M. of even No. dated 27th August, 1978 wherein it has been mentioned that the Commission will advise the President on matters relating to qualifications for and methods of appointment to, the services and posts recruitment to which is required to be made through the Commission.

3. The Ministries/Divisions are therefore advised that the recruitment rules for posts in BPS-15 and below (which do not fall within the purview of the FPSC) may not be referred to the Commission.

[Authority.- Estt. Division O.M.No.11/2/78-DV., dated 19-2-1979).

Procedure for creation of posts of Officer on Special Duty (O.S.D.) and making appointments thereto

SI. No. 23

A question had arisen whether a procedure should be laid down for creation of posts of O.S.D. and making appointments to such posts. The posts of O.S.D. may be created for the following reasons:-

(1) Government servants (member of a regularly constituted service or otherwise permanent) waiting for posting orders.

“Also please see Chapter on FPSC.

(2) Deputation of Government servant (member of a regularly

constituted service or otherwise deputed) for duty or course of instruction or training in Pakistan or training abroad, for a period exceeding two months, in accordance with the instructions contained in the Ministry of Finance O.M.No.3005-EGI/52, dated 7-5-1952. (Annexure)

(3) For doing work of a special nature, e.g. examination and/or implementation of reports of Commissions/ Committees etc.

(4) For overcoming technical difficulties.

2. In all such cases concurrence of the Ministry of Finance/Financial Adviser concerned will be necessary before the posts are created.

3. As to the question of appointment to such posts, the matter has been considered in consultation with the Federal Public Service Commission and it has been decided that Establishment Division and the Commission need not be consulted in regard to appointment to the posts created for the reasons stated at (1) and (2) above.

4. In regard to posts created for the reasons stated at (3) and (4) above, it has been decided that such posts may be filled by suitable officers either by transfer or by promotion or by direct recruitment on the

recommendation of the authority concerned.

5. It has also been decided that the Establishment Division should be consulted before the Ministry of Finance are approached for creating a post of O.S.D. for the reasons stated at (4) above.

6. Apart from the cases as mentioned above, there may be instances in which a temporary Government servant holding the post of O.S.D. may be sent for duty/training abroad. It has been decided that in such cases if the temporary Government servant is holding the post with the approval of the Federal Public Service Commission or the Selection Board, no consultation will be necessary either with the Commission or the Establishment Division in the case of deputation for duty, but in the case of deputation for training the Establishment Division should be consulted. In the case of officers appointed without consultation with the Commission or Selection Board, the Establishment Division and the Commission both should be consulted before any such officer is deputed for duty or training abroad.

[Authority.- Estt. Division O.M. No.5(1)/8/67-DV, dated 19-9-1968].

“Amended vide Estt. Division O.M.No.11/3/79-DV, dated 11-10-1979.

ANNEXURE Copy of Finance Division O.M.No. 3005-EG.1/52, dated 7-5-1952.

Officiating arrangements in vacancies caused by deputation of officers abroad.

There has been some confusion in the past in regard to the necessity or otherwise for creation of posts for making officiating arrangements in vacancies caused by the deputation of officers abroad. The matter has been examined and the following instructions are issued for the guidance of Ministries/Divisions etc:-

(1) When the officer hands over charges of his post.- The Officer concerned is placed on Special Duty and is entirely detached from the duties of the post which he ordinarily holds. A post of Officer on Special Duty would have to be created in the Ministry sponsoring his deputation and the vacancy created in his own Ministry can be filled up in the normal course.

(2) When the Officer does not hand over charge of his post.- The officer is not detached from the duties of his post and it is not necessary to create a temporary post. In case, however, it becomes necessary to make arrangements for the disposal of the work relating to the post due to the absence of its incumbent a new post in a lower grade may be created with the sanction of the authority competent to create such lower post for the period of the officer's absence on duty.

2. The instructions contained in this Ministry's Office Memorandum No.4561-EB.1/ 1/51, dated the 12th July, 1951, are hereby cancelled.

Recruitment to the upgraded posts

SI. No. 24

For the purpose of recruitment upgradation of a post means the abolition of the existing post and creation of a new post in higher grade. In view of this, method of recruitment and qualifications etc., for such new posts should be decided in consultation with the Establishment Division and

the Federal Public Service Commission before such posts are filled unless the upgraded post is covered by some existing recruitment rules. In this connection attention is invited to the Establishment Division "O.M.No.5(1)/6/65-D.V., dated the 3rd January, 1966 (Not reproduced).

2. Proper recruitment rules should also be framed for recruitment to such posts in future.

[Authority.- Estt. Division O.M.No.5(1)/67-DV, dated 16-10-1967].

‘Note.- _ With the issuance of Estt.Division O.M.No.11/1/81-R.5, dated 20th August, 1981 (SI.No.3), the instructions contained in their O.M.No.5(1)6/65-DV. dated 3rd January, 1966 have been rendered out of date; hence the latter O.M.omitted.

SI. No. 25

Establishment Division has been receiving proposals for upgradation of posts with immediate effect and also for upgradation of their incumbents. It is clarified that upgradation of a post implies the abolition of the existing post and creation of a new post in the higher grade. Upgradation of a post does not mean automatic upgradation of its incumbent. Appointment to upgraded post will have to be made in the manner prescribed for that post. If a post is upgraded with immediate effect, the incumbent would be left without any post (in his grade) until he is approved for appointment to higher grade.

2. In view of the position explained above all Ministries/Divisions are requested that while sanctioning upgradation of the existing posts, it should be clearly provided in the sanction letter that upgradation of the post would take effect from the date the post is filled by a person in the higher grade. This would ensure that until the existing incumbent is formally appointed to higher grade, the post and the incumbent would continue in lower grade.

[Authority.- Estt. Division O.M.No.8/10/83-R.1, dated 6-3-1983].

SI. No.25-A:

On a summary submitted recently to the Chief Executive, he has pleased to approve the policy for up-gradation/re-designation of posts as indicated in the proceeding paragraphs.

2. Henceforth, the up-gradation of posts shall be considered in the

following cases only:

(a)

(b)

(c)

(d)

When it is considered necessary to up-grade certain posts in order to rationalize the administrative structure of a Ministry/Division or a Department to make it more effective or to bring about uniformity of pay scales of similar posts in different organizations.

Where the duties and responsibilities attached to a post have considerably increased.

Where pay scale of a post is considered grossly incommensurate with the qualifications and experience prescribed for appointment to that post.

Up-gradation of a post on personal basis may not be allowed except if any officer, already holding on regular basis a higher grade post, is posted against a post, carrying lower grade, due to exigencies of service.

3. Subject to the observance of the parameters referred to in sub-paras (a) — (d) above, the future proposals for the up-gradation/re-designation of posts shall be processed as under:-

(i)

(ii)

The cases for up-gradation/re-designation of the posts in BS-1 to 19 will be decided by the Finance Division in consultation with the Establishment Division. However, the decision about the proposed up-gradation/re-designation of posts in BPS-1 to 19 will be taken at the level of Secretary, Finance Division and the Secretary Establishment Division.

Cases of up-gradation/re-designation of posts in BPS-20 and above will be submitted to the Chief Executive for approval but after seeking the concurrence of Finance Division and the Establishment Division.

4. *[When the competent authority approves the up-gradation of a post in the situations mentioned in sub-paras (a), (b) and (c) of para 2, appointed to the up-graded post should be made in accordance with the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, and the specific rules which regulate appointment to the post.]

*Subs vide Establishment Division's O.M.No.F.8/36/2000-R.1|, dated 3.2.2001

5. The above instructions may please be noted by the

Ministries/Divisions for strict compliance. 6. *h |

[Authority.- Establishment Division's O.M.No.F.8/36/2000-R.1, dated 20.1.2001].

Educational qualifications SI. No. 26

Educational qualifications for clerical and other non-executive appointments (upto "Class-ll).- It has been decided by Government that education up to Intermediate stage should be considered sufficient for clerical and non-executive appointments under Government. In view of this decision, qualifications for such posts as referred to above should be revised in consultation with Establishment Division and/or the Central Public Service Commission as may be necessary.

2. The persons appointed to such posts should, however, be given sufficient specialist training after recruitment and before employment. The Secretariat Training Institute of the Establishment Division is taking necessary action to formulate a programme for training of clerical staff (Assistants, U.D.Cs, L.D.Cs) of the Ministries and their Attached/ Subordinate Offices. As regards the training of the staff employed in other posts affected by the decision mentioned above, the question may be examined by Divisions concerned and a decision may be taken in consultation with the Establishment Division (Training Wing).

3. The contents of this O.M. may please be brought to the notice of all concerned including the autonomous bodies under the administrative control of Government for compliance.

[Authority.- Estt. Division O.M.No.5/14/62-D.V., dated 3-6-1967].

*Deleted vide Establishment Division O.M.No.F.8/36/2000-R.1, dated 3.2.2001 In the present context BPS-16.

SI. No. 27

Bar against future recruitment of persons possessing Matriculation Certificates in English only.- The question whether the Matriculation certificate obtained by passing only in the English paper of the Matriculation examination after having passed a proficiency examination in an oriental language or in a Modern Indian/Pakistani language, i.e. Adib, Fazil, Munshi Fazil, etc., should be treated at par with the Matriculation certificate obtained by passing all the prescribed subjects, for the purpose of eligibility for Government service, has been under the consideration of the Establishment Division for some time past, it has now been decided in consultation with the Central Public Service Commission, that the certificate of former category should not be considered at par with that of the latter category. As a result persons who have obtained the certificate of the former category are not eligible for appointment in the Ministerial Establishment of the Central Secretariat and its Attached Departments.

2. Persons, who have obtained the Matriculation certificate by passing in the English paper only and are employed on a temporary basis in the Ministerial Establishment of the Central Secretariat/Attached Departments, should be allowed to continue, in their present appointments, on a temporary basis, pending availability of qualified candidates on the results of the Central Public Service Commission Examinations. Those who have already been confirmed in the Ministerial Establishment of the Central Secretariat and its Attached Departments should, however, be exempted from obtaining the Matriculation certificate by passing all the prescribed subjects provided that the appointing authorities concerned are satisfied that those persons are otherwise suitable.

[Authority.- Estt. Division O.M.No.69/2/53-MF, dated 25-6-1954 read with O.M. of even number, dated 28-8-1954].

SI. No. 28

Checking the genuineness of educational certificates/qualifications etc.- Instances have come to the notice of the Federal Government wherein forged educational certificates have been submitted by certain persons seeking employment under Government. It is, therefore, necessary to check thoroughly the genuineness of certificates where the bonafides of persons employed after the 15th August, 1947 are in doubt. One method of checking is to make a reference to the universities which issued the certificates. If this method does not prove successful, cross examination (and other suitable methods which may be possible according to the merits of the case) of the individuals concerned by the appointing authorities themselves may be resorted to. The candidates concerned may also be required to produce two certificates from Gazetted officers in support of their claim to educational qualifications.

2. There may also be cases where the certificates produced are genuine but there is a reasonable doubt that they do not relate to the persons producing them. In such cases the matter will have to be referred to the District Police authorities for investigation and report.

3. In so far as the competitive examinations conducted by the Central Public Service Commission are concerned, the original age and educational certificates submitted by the candidates with their applications are fully checked, and necessary enquiries made in all doubtful cases. But, as regards recruitment by selection, the candidates are not generally required to submit their original certificates with their applications. Only attested copies are called for. In these cases, it is essential for the appointing authorities to verify the claims of the candidates as regards age and educational qualifications in the same manner in which their antecedents are verified before appointment. If it is found that a forged certificate has been produced or that the individual, producing a certificate, is not the one to whom it was issued, suitable disciplinary action must be taken against the person concerned, including dismissal from Government service, (if the persons are in Government service) and a ban on future employment. In specific cases the matter should be reported to the Police for criminal prosecution.

4. Generally, candidates for recruitment made by selection are required to send passport size copies of their photographs with their applications. But this is not compulsory. It is considered desirable to ask all candidates to submit such photographs with their applications.

[Authority.- Estt. Division Letter No. F.40/650-S.E.1. dated 21-6-1950 to all Provincial Governments].

Endorsement:- Copy to all Ministries/Divisions with the request that the genuineness of educational certificates produced by persons in the ministerial service of the Federal Secretariat and its Attached Departments, who have been declared fit for retention in Government service in pursuance of the instructions contained in the Establishment Division O.M. No. 33//48-Ests. (ME), dated the 15th March, 1948 should also be checked and, in case of doubt, verified in accordance with the procedure laid down above.

SI. No. 29

Educational qualifications for recruitment to the grade of Assistant in the Federal Secretariat and Attached Departments.- Reference Establishment Division Office Memorandum No.F.8/1/62-Fll, dated the 24th November, 1967 in which it has been stated that the minimum educational qualification for direct recruitment to the grade of Assistant and Upper Division Clerk in the Federal Secretariat/Attached Departments should be Intermediate. It has now been decided that for purpose of direct recruitment in the Federal Government and its Attached Departments:-

(i) A Degree should be prescribed as the minimum qualification for the post of Assistant, and (il) Diploma in Commerce should be prescribed as an alternative qualification for the post of UDC for which Intermediate would be the minimum qualification.

[Authority.- Estt. Division O.M.No.F.1/10/72-F.II., dated 26-9-1973]. SI. No. 30

Qualifications for Urdu Stenotypists/Stenographers and Urdu Reporters.- At present, the Ministerial Establishment in the Federal Secretariat/Attached Departments does not include a cadre of Urdu Stenographers/Stenotypists. It, however, appears that the need for employing Urdu Stenographers/Stenotypists is already being felt, and the question of prescribing the minimum educational qualifications for appointment to the posts of Urdu Stenographers/Stenotypists has been under the consideration of the Establishment Division.

2. The minimum educational qualification for clerical posts, as well as for posts of Stenographer/Stenotypist, is a Matriculation certificate. The Establishment Division are of the view that this standard should not be reduced in the case of any candidate for employment in the Ministerial Establishment, since they feel that such a course will lead to complications later. It has accordingly been decided, in consultation with the Central Public

Service Commission that the minimum educational qualification for Urdu Stenographers/Stenotypists should be the Matriculation examination or an examination treated as equivalent thereto by a recognized University in Pakistan or India, or by the Central Public Service Commission.

[Authority.- Estt. Division O.M.No.45/2/51.M.E,dated 11-10-1951] SI. No. 31

Minimum educational qualifications for direct recruitment to the grade of Stenographer in the Federal Secretariat and its Attached Departments.- For increasing the efficiency of Stenographers in the Federal Secretariat and its Attached Departments, it has generally been felt that a Stenographer should have good knowledge of English. It has, therefore, been decided in consultation with the Central Public Service Commission that the minimum educational qualification for direct recruitment to the grade of Stenographer in the Federal Secretariat and its Attached Departments should henceforth be Intermediate. The minimum educational qualification of Matriculation for recruitment to the grade of Stenotypists should continue.

2. It has also been decided that the Stenotypists who are permanent or are eligible for confirmation in the Federal Secretariat and its Attached Departments should continue to be promoted as Stenographers without being required to possess the Intermediate qualification in accordance with the rules. The Stenotypists who are purely temporary and are not eligible for confirmation in the Federal Secretariat and its Attached Departments should possess the minimum educational qualification of Intermediate for appointment as purely temporary Stenographers.

[Authority.- Estt. Division O.M.No.F.27/61/69-F.Il, dated 23-9-1969]. SI. No. 32

Eligibility of purely temporary Matriculate Stenotypists for promotion as Stenographers.- It has been decided that Matriculate Stenotypists who are purely temporary and have rendered at least 3 years service as Stenotypist, will be eligible for promotion/appointment as purely temporary Stenographer.

[Authority.- Estt. Division O.M.No.27/61/69-F. II, dated 11-5-1976]. Merger of the cadres of Urdu and English Typist! Stenotypist/Stenographer

for purposes of seniority, promotion etc.

SI. No. 33

In the past, posts of Urdu Typist, Stenotypist/Stenographer have been created in various Ministries/Divisions without consulting the Establishment Division and without prescribing any method of recruitment to these posts including avenues of promotion on account of which the incumbents of these posts have faced stagnation. The matter has been considered in consultation with the Finance Division and the following decisions have been taken:-

(i)

(ii)

(ii)

(iv)

The existing posts of Urdu Typist/Urdu Stenotypist and Urdu Stenographer are merged with the posts of LDC/English typist (RNPS-5/BPS-5), English Stenotypist (RNPS-8/BPS-12) and English Stenographer (RNPS-11/BPS-15) respectively.

The existing incumbents of posts of Urdu Typist/ Stenotypist/Stenographer shall form part of the cadre of their English counter-parts.

The Urdu Typists/Stenotypists/Stenographers who have been allowed pay scales different than those mentioned in (i) above shall also be treated as part of the cadre of their English counterparts. Any such pay scales earlier allowed will be treated as personal to the incumbent of the concerned post.

The conditions/rules prescribed for appointment to the posts of LDC (English Typist) English Steno-typist and English Stenographer shall henceforth apply to the posts of Urdu Typist/Urdu Stenotypist and Urdu Stenographer respectively. The incumbents of these posts will, in future, be allowed the same pay scales as are applicable to their English counterparts.

(v) The Urdu Typists/Stenotypists/Stenographers will enjoy seniority,

(vi)

in the combined cadre with their English counterparts from the date of their continuous regular officiation as such.

If promotion of an Urdu Typist/Stenotypist/ Stenographer poses a placement problem, the post held by him may temporarily be upgraded in accordance with the orders/instructions on the

subject, to allow him the benefit of promotion.

[Authority.- Estt. Division O.M.No.5/1/77-F.1I(R.6), dated 26-6-1988].

Recognition of Defence/Staff Colleges qualifications as equivalent to University Degree for Government employment

SI. No. 34

Where some posts were advertised by the Establishment Division in the past, the minimum requirement for which was a university degree, some senior officers of the Armed Forces, who wanted to apply for these posts, did not hold a university degree but they had qualified in various service courses e.g. National Defence College Course, Imperial Defence College Course (now called Royal College of Defence Studies Course), Army War Course, Joint Services Staff College Course, Staff College Course etc.

2. In view of the above position, a proposal made by the Services to the effect that Staff College qualifications may be recognized as equivalent to a university degree for Government employment, was considered by the Defence Council, in its meeting held on 11th August, 1973. The President was pleased to approve the proposal to recognize Staff College and other higher Defence Institutions qualifications given to officers of the Pakistan Armed Forces (Army, Navy and Air Force) as equivalent to the university degree for Government employment. The President, however, was further pleased to direct that this recognition would, in no way, encourage the serving officers of the Pakistan Armed Forces (Army, Navy and Air Force) to apply for employment in the civil services, except for their rehabilitation after retirement. The above decision of the Defence Council is conveyed for information and guidance.

[Authority.- Defence Division O.M. No.111/73/D-A, dated 14-6-1974].

SI. No. 35

Reference Establishment Division's O.M. No. 8/9/72-TRV, dated August 31, 1973 (SI.No.13) Provincial/ Regional quotas in respect of posts filled in a particular year are to be worked out to 1000th fraction. A

Province/Region having larger fraction in accordance with the prescribed quotas, is allocated the vacant post for recruitment whereas the Province/Region not allocated the post due to smaller fraction, gets those fractions carried forward and added to its share in the subsequent year. The procedure for calculating and carrying forward the share of Province/Region, is indicated in Annexure-l.

2. Ministries/Divisions/Departments etc. are requested to regulate the Provincial/Regional allocations in respect of posts in grade-17 and above filled by direct recruitment after August 31, 1973. A copy of the updated statement should invariably be forwarded alongwith summaries sent to the Establishment Division for seeking approval of the competent authority for initial appointment to posts in grade-17 and above.

[Authority.- Estt. Division O.M. No.9/7/80-A.IIl, dated 23-9-1980].

Province/ Region

IST YEAR: Merit Punjab Sindh (U) Sindh(R) N.W.F.P. Balochistan FATA A/Kashmir

2ND YEAR: Merit Punjab Sindh (U) Sindh(R) N.W.F.P. Balochistan FATA A/Kashmir

3RD YEAR: Merit Punjab Sindh (U) Sindh(R) N.W.F.P. Balochistan FATA A/Kashmir

Annexure |

No. of Last Vacancies Balance Vacancies Year's to be to be C/F allotted carried

Balance forward

10% 50% 7.6% 11.4% 11.5% 3.5% 4% 2%

WW WWW WW Ww

5 5 5 5 5 5 5 5

10% 50% 7.6% 11.4% 11.5% 3.5% 4% 2%

NN NMNMN NNN DN ZN

Clarifications regarding application of revised Provincial/Regional

quotas

SI. No. 36

Reference.-Establishment Division O.M.No.F. 8/9/72-TRV, dated the 31st August, 1973.

2. The following clarifications are issued:-

(1)

(2)

(3)

(4)

(5)

Posts in each grade should be considered separately for purposes of allocation of the prescribed merit and Provincial/Regional quotas.

The Provincial/Regional quotas do not apply to posts filled by promotion. These are applicable to direct, including lateral entry, appointments.

Vacancies which cannot be filled by candidates belonging to the Province or region to which the vacancy is allocated should be carried over and re-advertised at a later date.

Posts in the Ministry/Division should be allocated separately from posts in Attached Departments and Subordinate Offices. In other words, the allocation should be made separately for each Department, Office or Institution.

Provincial/Regional quotas do not apply to posts filled by transfer of Government servants to posts in equivalent grades whether on deputation or on secondment as in the case of military officers.

[Authority.- Estt. Division O.M. No.8/15/73-TRV, dated 28-11-1973].

SI. No. 37

Isolated posts - application of Provincial/Regional quotas.- In the Establishment Division Office Memorandum No. 1/4/64-D.V., dated the 30th June, 1964 (Annexure), it was provided that in applying provincial

quotas to an isolated post, the Ministries and Divisions should be guided by the overall position of other allied posts, higher or lower than the solitary post, in that office. For instance, if there is a solitary post of Deputy Director, the position in the posts of Director and Assistant Director etc. should be taken into consideration to determine the province to which the solitary post should be allocated.

2. A question has arisen how an isolated post should be allocated if it is the only post of its kind in an office and there are no other posts with which it might be suitably combined for purposes of provincial allocation. It has been decided that in such a case the post should be filled on the basis of merit.

[Authority.- Estt. Division O.M. No.8/1/77-W.C., dated 8-4-1977]. ANNEXURE

Copy of Establishment Division O.M. No. 1/4/64-D.V., dated the 30th June, 1964.

In continuation of the Establishment Division Office Memorandum of even number, dated the 27th May, 1964, the Ministries/Divisions, etc., are requested to ensure that in case of isolated posts also, the domicile of the candidates to be appointed are invariably indicated. In doing so the Ministries and Divisions should be guided by the overall position of the posts held by persons belonging to the Provinces and Regions. For instance, if there is an isolated post of "Director" to be filled in any office, it may be considered by the appointing authority from which Province or Region the Additional Director or Deputy Director, if any, were appointed, or if an isolated post of Deputy Director is to be filled in, then the position of Director for the post of Deputy Director or officers of equivalent or higher posts e.g., Additional Directors, etc., should be taken into consideration, and in that context it should be examined to which Province or Region the particular post should go.

SI. No. 38

Recruitment to civil posts in the Administration of Northern Areas. - Except appointment in grade 17 in Revenue and Police, shall in future, be made only from amongst the local population of those areas provided they possess the requisite academic qualifications, persons other than

the local residents of Northern Areas shall not be entitled to apply for appointment to such posts.

2. However, technical posts requiring specialization may be filled, with the prior approval of the Establishment Division from amongst non- residents provided that local candidates with the requisite technical qualifications are not available.

3. The Northern Areas shall continue to be excluded in respect of the posts in these Areas from the purview of the provincial/regional quotas fixed by the Government. The Establishment Division's O.M.No.F. 8/9/72-

TRV dated the 31st August, 1973, whereby Northern Areas have been allocated quota for recruitment to civil posts under the Federal Government, shall apply to All Pakistan posts only.

4. This supersedes the Establishment Division's O.M. No. 8/9/72-TRV/R.II dated 25th June, 1978

[Authority.- Estt Division O.M.No.4/I/83-R.2, dated 24-7-1983]. SI. No. 39

Strict application of revised Provincial/Regional quotas in making recruitment.- Orders regarding revised merit and Provincial/Regional quotas have already been issued in Establishment Division O.M. No. 8/9/72-TRV, dated the 31st August, 1973. From the references received in the Establishment Division it is observed that some of the Ministries/Divisions continue to follow the old quotas. It is requested that in all cases of recruitment to be made subsequent to the issue of the above orders, the revised merit and Provincial/Regional quotas as laid down therein, should be followed strictly.

2. The Federal Public Service Commission have also brought to the notice of Establishment Division that selection of candidates in a number of cases in which requisitions had been placed with the Commission by Ministries/Divisions prior to the issue of the above O.M. has not so far been finalized. It has been decided that even in regard to such pending requisitions, the posts should be filled under the revised merit and Provincial/Regional quotas as fixed in Establishment Division O.M.No.8/9/72-TRV, dated the 31st August, 1973 (SI.No.14) and where necessary, the post may be readvertised. Ministries/Divisions are,

therefore, requested to take immediate action to intimate revised allocation of the posts in all pending cases to the Federal Public Service Commission.

[Authority.- Estt. Division O.M.No.8/9/72-TRV, dated 10-11-1973]. SI. No. 40

Establishment Division, under the orders of the Prime Minister, had carried out a survey by obtaining information from the concerned Ministries and Divisions regarding deficiencies in regional representations in the posts filled through direct recruitment on All Pakistan basis. The results of this survey indicate that on 1-1-1987 there were deficiencies in filling quotas reserved for particular regions. The position may have improved since January 1987. It is accordingly requested that Secretaries of the Ministries may kindly give their personal attention to this issue and review all direct recruitments made in the main Ministries, Attached Departments and Subordinate Offices as well as Autonomous Bodies under their control. If this scrutiny reveals that the representation of Sindh (Rural), Balochistan, N.A./ F.A.T.A. or other regions falls short of their prescribed quota, immediate steps must be taken to advertise the posts and to fill them by ad hoc recruitment, pending the regular appointment through Federal Public Service Commission.

[Authority.- Estt. Secretary's d.o Letter No.5-PD.VI/85, dated 17-9-1987]. SI. No. 41

Reference.-Government of Balochistan, S&GAD, letter No. SO.II-LIV(20)//S&GAD-71/(Il), dated 18th June, 1978, (Annexure).

2. All the Ministries/Divisions, Attached Departments, Subordinate Offices and Autonomous Bodies under your administrative control may kindly be directed to ensure that the quota fixed for Balochistan vide Establishment Division O.M.No. F.8/9/72-TRV, dated 31st August,1973 is duly followed by them in making direct recruitment and that vacancies allocated to Balochistan are filled by candidates domiciled in that province. If candidates with the required qualifications/experience are not available for vacancies other than those required to be filled through Federal Public Service Commission, or if such vacancies have been lying unfilled for want of candidates from Balochistan, full particulars of the

vacancy or vacancies in grade in which they exist, the qualifications/experience prescribed for the post and age requirements etc., may be communicated to the Government of Balochistan for recommending suitable candidates. In the case of these vacancies which are required to be filled through FPSC and for which the FPSC have failed or fail to make any nominations, the FPSC may be requested to intimate the vacancies to the Government of Balochistan for recommending suitable candidates to them.

3. This D.O. letter may kindly be given wide publicity in the Divisions, Departments, Offices and Autonomous Bodies under your administrative control.

[Authority.- Estt. Secretary's d.o. letter No.4/3/78-R.I|, dated 7-8-1978]. ANNEXURE

Copy of Government of Balochistan, Services and General Administration Department letter No. S.O. II-LIV (20)/S&GAD-71 (Il), dated the 18th June, 1978.

| am directed to refer to the Cabinet Secretariat (Establishment Division) Office Memoranda No. F. 8/9(A) 72-TRV dated 18th October, 1973 and F. 8/9/72-TRV, dated 31st August, 1973 and to say that in view of the serious problem of unemployed graduates in Balochistan, the MLA Zone “D' has desired that the attention of the Federal Government may be invited to implementing in full the provisions of the above mentioned memoranda. The problem is being tackled at the provincial level within the financial constraints. However, the Federal Government including corporations and autonomous bodies under its control could contribute a great deal in meeting this problem by implementing the quota fixed for this province.

2. | further request that this government would appreciate if the Government of Pakistan, Ministries/Divisions including the corporations and autonomous bodies are directed to take immediate steps in this direction. They may also kindly be advised to intimate to the Government of Balochistan, the share of posts at various level for Balochistanis in accordance with the prescribed regional quota the actual occupancy position and the difference.

SI. No. 42

Observance of Provincial/Regional quota allocated’ to Balochistan.- A special cell was created in the Ministry of Communications to seek ways and means of finding employment for young graduates belonging to Balochistan. The Government have decided that the Special Cell should now be headed by the Governor of Balochistan with the Federal Minister of State for Food and Agriculture as one of its members. The Cell should also co-opt the Federal Secretaries concerned as its members, as and when necessary.

2. Pursuant to the decision mentioned in para 1, the Government of Balochistan have established a full-fledged Cell in the S&GAD Department of the Government of Balochistan.

3. The Government of Balochistan have requested that the Ministries, Divisions and Departments of the Federal Government and the autonomous and semi-autonomous bodies etc., under their control may be asked to take the following action:-

(i) In view of the large number of simple B.As/M.As being jobless in the province, due share should be given to this province in all posts under their control for which simple graduates or M.As are eligible. The earmarking of Balochistan quota posts should not be restricted to highly technical/ specialized jobs only. Experience has shown that mainly posts requiring specialized knowledge/ qualifications for which there is great dearth of qualified candidates throughout the country, are allocated to Balochistan.

(it) Standing instructions may be issued to their selection teams whenever deputed to this province for selection purposes to visit various Divisional Headquarters in the Province for selection instead of Quetta so that fair chance is given to all the Districts.

(iti) The Ministries/Divisions may associate officers of the Provincial Government with their selection teams during the course of selection in order to facilitate selection of suitable candidates. While in the Divisions/Districts, the

Divisional Commissioner/Deputy Commissioners may also be associated with the selection teams.

(iv) Selection team may also be authorized to make selection from the large number of jobless persons possessing lower qualifications also for posts below grade 16 in accordance with the relevant rules.

4. The Ministries/Divisions/Departments and autonomous bodies under their administrative control are requested to take action accordingly.

[Authority.- Estt. Division O.M. No.4/3/81-R.2, dated 6-1-1982]. SI. No. 43

All the Ministries/Divisions and Attached Departments and autonomous bodies under their administrative control are once again requested to kindly ensure the implementation of 3.5% quota fixed for Balochistan while making direct recruitment. In this connection reference is also invited to Establishment Division's instructions on the subject issued from time to time.

[Authority.- Estt. Division d.o.letter No.4/4/80-R.2, dated 31-10-1985]. SI. No. 44

Representation to Bahawalpur Division.- Reference Establishment Division's Office Memorandum No.8/9/71-TRV, dated the 31st August, 1973.

2. As will be seen, the prescribed quota, except in the case of Sindh, has not been sub-allocated further on the basis of Divisions or Districts or for any other region. It has, however, been represented to Government that Bahawalpur is under represented in the Federal and Provincial services as well as in corporations and autonomous bodies under the administrative control of the Federal Government. This has created a sense of deprivation amongst the residents of Bahawalpur Division which is not desirable. The Prime Minister has, therefore, been pleased to direct that steps should be taken to ensure that Bahawalpur gets its due share in all fields including services.

3. In regard to posts in the various Groups and Cadres coming under the administrative control of Establishment Division, suitable steps are already being taken to see that while filling vacancies in the Punjab quota, some preference may be given to persons of Bahawalpur domicile if they are otherwise qualified and eligible. This procedure is to be followed until they get adequate representation. There is, however, a large number of posts in Grade 16 and below in the Ministries, Divisions, Departments and Corporations, recruitment to which is controlled by the Ministries and Departments themselves. It is requested that while making recruitment to these grades care should be taken to give more representation in these grades to those belonging to Bahawalpur Division. Other things being equal they should get a slight edge over others. Consideration of merit should not be completely ignored. Suitable instructions in this regard may be issued to all those responsible for recruitment in your Ministry and Departments or Corporations under the control of your Ministry. A special report should be sent to this Division after six months regarding the procedures etc. adopted by you and the progress in the matter for the information of the Prime Minister.

[Authority.- Cabinet Secretary's d.o. letter No.8/10/75-WC, dated 8-4-1975]. SI. No. 45

Provincial/Regional quotas for recruitment to posts in autonomous/semi-autonomous bodies.- With reference to instructions regarding Provincial/Regional quotas for recruitment to civil posts under the Federal Government issued in Establishment Division Office Memorandum No.F.8/9/ 72-TRV, dated 31st August, 1973 it has been decided that these quotas shall apply also to senior appointments - viz. appointments in or equivalent to Grade 17 and above. In all autonomous/ semi-autonomous bodies which are administratively controlled by the Federal Government.

2. Ministries/Divisions are requested to issue suitable instructions to all autonomous/semi-autonomous bodies under their administrative control and ensure that these quotas are strictly adhered to.

[Authority.- Estt. Division O.M.No.F.8/9/72-TRV.R2, dated 29-9-1973].

SI. No. 46

Reference.- Establishment Division O.M.No.F.8/9/72-TRV, dated the 29th September,1973.

It has been decided that efforts should be made to remove the imbalances of Provincial representation in autonomous corporations, including Banks and Insurance Companies. | am to request you to let us know what concrete measures are proposed to be taken to correct imbalances, if any, in autonomous bodies, etc., under your administrative control.

[Authority.- Estt. Secretary's d.o. letter No.8/9 (A)/72-TRV, dated 18-10-1973]. SI. No. 47

Separate Provincial/Regional quotas for recruitment to the civil posts under the Federal Government were prescribed in Establishment Division Office Memorandum No.F. 8/9/72-TRV, dated the 31st August, 1973. In a subsequent O.M. dated the 29th September, 1973, these quotas were also applied to appointments equivalent to Grade 17 and above in all autonomous and semi- autonomous bodies which are administratively controlled by the Federal Government. It was also emphasized that efforts should be made to remove the imbalance of provincial representation in autonomous corporations including Banks and Insurance Companies.

"2. It has been noticed that one reason for non-availability of candidates from under-developed regions is that persons of suitable age, qualifications and experience are not readily available for nomination. It has, therefore, been decided that in case the vacancy is advertised and no applications are received or, if the applications are received, the candidates do not possess the prescribed age, qualifications and experience, the Ministry/ Division concerned to which the vacancy or vacancies belong will consider the propriety of relaxing one or all the prescribed conditions depending upon the circumstances of each case.

“Note.- For instructions regarding relaxation of age limit in case of candidates from Sindh (Rural), Balochistan, FATA and Northern Areas please see Establishment Division Notification No. S.R.O. 1079(1)/93, dated 4-11-1993 (SI. No.56).

Once the decision regarding the extent of relaxation has been made, formal approval of the authority competent to approve the recruitment rules, the Establishment Division and the Federal Public Service Commission would be obtained. After relaxation has been obtained in the above manner the vacancies would be re-advertised with the relaxed conditions, so that candidates from the province concerned who may have become eligible may be able to apply and be considered for the job.

[Authority.- Estt. Division O.M.No.4/4/78-R.Il, dated 8-10-1978].

Compulsory employment of disabled persons

SI. No. 48

Establishments to employ disabled persons.-(1) Not less than one per cent of the total number of persons employed by an ‘establishment at any time shall be disabled persons whose names have been registered with the Employment Exchange of the area in which such establishment is located and against whose names in the register maintained under section 12 an endorsement exists to the effect that they are fit to work.

(2) The disabled persons employed against any post in pursuance of subsection (1) shall be entitled to the terms and conditions which are not less favourable than those of the other persons employed by the establishment against similar posts.

(3) When calculating the percentage of the posts in an establishment for the purposes of employment of disabled persons, the fraction of 0.5 and above shall count as a whole number.

"establishment" means a Government establishment, a commercial establishment or an industrial establishment, in which the number of workers employed at any time during a year is not less than one hundred;

[Authority.- Disabled Persons (Employment and Rehabilitation) Ordinance, 1981]

Determination of domicile for the purpose of appointments against Provincial/

Regional quotas

SI. No. 49

According to the decisions contained in the Establishment Division Office Memorandum No.25/113/ 54-SE |, dated the 4th January, 1956 (Annexure I) and Office Memorandum No. 1/12/56-R, dated the 14th February, 1958 (Annexure II) while the candidates belonging to Pakistan by origin can claim appointment only against the quota of the province/region to which the father of such a candidate belongs, the candidates who have migrated to Pakistan have different options for claiming appointment against Provincial/Regional quotas. The matter has, therefore, been reconsidered with a view to rationalizing the policy regarding determination of domicile of the candidates for Government service, and the following revised orders are issued in partial modification of the existing instructions: -

(i) There should be no change in the policy regarding the persons belonging to Pakistan by origin, /.e., they should continue to be considered for appointment only against the quota of the province/region to which the father of such a candidate belongs.

(ii) A migrant candidate, whether residing in Pakistan or abroad, should be considered for appointment only against the quota of the province/region where his parents are domiciled and where they have resided for at least 3 years. However, the condition of 3 years' residence should be deemed to be fulfilled if the parents are officially domiciled in a particular province/region but have been living in some other areas for a number of years due to exigencies of service. For this purpose the candidate will be required to produce a domicile certificate from a competent authority that his parents are domiciled in the province/region concerned.

(iti) In case the parents of migrant candidate have not migrated

to Pakistan, he should be considered for appointment against the quota of the Province/Region where he himself is domiciled and has resided or has been educated for a continuous period of three years immediately before applying for appointment and consideration against the quota of a province/ region.

2. The decisions above may please be brought to the notice of all concerned for guidance in future.

[Authority.- Estt. Division O.M.No.2/2/67-DV, dated 26-8-1968].

ANNEXURE |

Copy of Estt. Division O.M. No. 25/113/54-SEI, dated the 4th January, 1956.

Provincial quotas on the basis of domicile certificates.

The recruitment policy of Government, according to which recruitment to the Central Services is made, is based on a system of Provincial quotas. These quotas were meant for candidates who belonged by origin to the Provinces of Pakistan, or who, on migration from Indian Provinces had permanently settled down in one of the Pakistan Provinces. However, by means of domicile certificates, a large number of candidates who had come over from India but had not permanently settled in any Pakistan Province were able to enter the Central Services, thus shutting out candidates belonging by origin to Pakistan Provinces from their due share in the administration of the country. What these candidates did was to file declarations before District Magistrates, to the effect that they had renounced their previous domicile and that they had resided for over a year in such Provinces as East Bengal, Sindh and the N.W.F.P., where competitive conditions were comparatively easier. Having obtained such certificates of domicile on the strength of these declarations, the veracity of which could seldom be properly checked, these candidates would leave that particular Province and have no further connection with it. They would then prepare themselves for examinations in areas where educational facilities were better but by virtue of their domicile certificates they demanded to be considered for appointment against the quota of one of the above

provinces in which they claimed to be domiciled, provided, of course, that they had qualified in the examinations. In actual fact, the Domicile Certificate merely made a refugee candidate eligible for appearing in an examination for appointment to a post in Pakistan and did not confer any right on him to be appointed against the quota of a particular Province.

2. In order to ensure that Government's recruitment policy is properly carried out and that no candidate enters the Central Services against the quota of a Province who does not belong to that Province either by origin or through settling down permanently there, Government consider it necessary to provide a check against the entry into the Central Services of candidates who claim to be considered against Provincial quotas on spurious grounds. It has, therefore, been decided that, in the case of candidates who qualify for appointment to the Central Services, but who do not belong by origin to any Pakistan Province they should be admitted against the quota of the Province in which they claim to have settled permanently, provided there is proof of three years' residence/education in the Province against whose quota they claim to be considered. This can be established in most cases from educational certificates which the candidates will file with their application. In

other cases, where a candidate has been educated in a Province for a shorter period although he claims to have resided there for 3 years, other evidence must be produced by the candidate to support his claim. In the case, however, of a refugee candidate studying abroad, or in some parts of Pakistan other than the Province against whose quota he claims to be considered, the condition of three years' residence in that Province should be deemed to be satisfied, if the parents of such a candidate have resided in the Province in question for three years.

3. The decision outlined in the preceding paragraph does not mean that refugee candidates, who fail to prove their claim that they belong to a particular area, are shut out from appointments to the Central Services. As Ministries are aware, the recruitment policy provides a 20% merit quota and a refugee candidate, who does not satisfy the above requirements, can take his chance in that quota. Finally, it may be added that, in the case of a candidate whose father belongs by birth or by origin to a Pakistan Province, it is immaterial where he has received his education or has resided. Such a candidate will be considered, for appointment against the quota of vacancies reserved for that Province without any check.

4. The above decision will not be affected by the coming into existence of one Province in West Pakistan as no change in the existing recruitment policy is contemplated. The recruitment policy in respect of services and posts under the Central Government will continue to operate in those areas which constitute the previous Provinces and which will now be expressed in terms of districts comprising those areas.

ANNEXURE II

Copy of Establishment Division Office Memorandum No. 1/12/56-R, dated the 14th February, 1958.

Attention is invited to the Establishment Division Office Memorandum No. 25/113/54-SEI, dated the 4th January, 1956 in which instructions were issued that in the case of a refugee candidate studying abroad or in some parts of Pakistan other than the province against whose quota he claims to be considered, the conditions of three years' residence in that Province should be deemed to be satisfied, if the parents of such a candidate have resided in the Province in question for three years. It therefore, follows by implication that in the case of those candidates, whose parents have acquired the domicile in a Province zone, but who, due to the exigencies of service, have been serving outside that province/zone, for a number of years, the conditions of 3 years residence for that province (for the candidate) will be deemed to have been fulfilled for the purpose of being considered against the quota of that Province zone.

SI. No. 50

Determination of Domicile.- Reference Establishment Division's O.M. No. 2/2/67-D.V., dated the 26th August, 1968 (SI. No.54). It has been observed that the instructions contained therein for determining the domicile of candidates while making appointment to posts are not being complied with faithfully in some cases. These instructions clearly provide that a candidate belonging to Pakistan by origin should be considered for appointment on the basis of domicile of his father. Similarly, a migrant candidate should be considered only against the quota of the province/region where his parents are domiciled and where they have resided for at least three years. In case the parents of a migrant

candidate have not migrated to Pakistan, he should be considered for appointment on the basis of his own domicile. All the Ministries/Divisions are requested that while making ad hoc appointments against the posts required to be filled through FPSC they should carefully examine the domicile of the candidates in the light of the above instructions. This may also kindly be brought to the notice of all the departments/organizations under their administrative control for strict compliance.

[Authority.- Estt. Division O.M.No.2/2/77-W.C/R.2 dated 13-10-1987]. SI. No. 51

Married female candidates - determination of domicile.- According to the decisions contained in the Establishment Division Office Memorandum No. 2/2/67-DV, dated the 26th August, 1968, the domicile of a candidate is to be determined on the basis of the domicile of his or her parents and if the parents of a migrant candidate have not migrated to Pakistan, on the basis of his or her own residence and education in the Province in which he or she is domiciled. A question has arisen whether a female married candidate can be considered to have the same domicile as that of her husband. The matter has been considered and it has been decided that the domicile of a married female candidate may be accepted to be the same as that of her husband for the purposes of direct recruitment.

[Authority.- Estt. Division O.M.No.F.8/5/75-WC, dated 12-8-1975]. SI. No. 52

Candidates not required to show place of birth of their fathers for purposes of domicile.- As the Ministries/ Divisions are aware, the Government observes Provincial/Regional quotas in filling vacancies reserved for direct recruitment to posts under the Federal Government. It has been brought to the notice of the Government that candidates for appointment to Federal posts are sometimes required to state the place of birth of their father. This information is not relevant to the determination of domicile of a candidate. The Government have, therefore, decided that in future no candidate will be asked to state the place of birth of his father. However, the requirement of stating the domicile of father and other particulars like name, address etc., will continue to be observed as before.

2. The Ministries/Divisions are requested to give wide publicity to these instructions.

[Authority.- Estt.Division O.M.No.2/5/77/WC/R-IX, dated 11-1-1978]. SI. No. 53

Change of domicile after entry into Government service.- A question has arisen whether a person who entered into Government service on the basis of domicile of a particular Province/Region of Pakistan can subsequently change his domicile during his service. As a citizen of Pakistan a Government servant can change his domicile according to the law and the rules made thereunder. It has, however, been decided that the domicile of a Government servant as declared by him and accepted by Government at the time of entry into Government service should be treated as final throughout his service career and no subsequent change in his domicile should be recognized for the purpose of terms and conditions of his service including his allocation and liability to transfer.

[Authority.- Estt. Division O.M. No.1/14/71-TRV, dated 20-9-1971].

Rules for reservation of vacancies for the Scheduled Castes

SI. No. 54

The following rules will be observed in future in pursuance of the decision to reserve vacancies for the Scheduled Castes:-

(i) 6% of all vacancies (as distinct from posts) to be filled by direct recruitment in the All-Pakistan Superior Services and Central Services. Class I, Il and Ill (including Central Ministerial Service) to which recruitment is made on an All- Pakistan basis will be reserved for Scheduled Castes candidates.

(ii)

(ii

(iv)

The reservation referred to above will not apply to:-

(a) ‘vacancies reserved for recruitment on the basis of merit;

(b) recruitment made by promotion or transfer in accordance with the relevant rules ;

(c) services and posts which are excluded specifically from the purview of these rules with the concurrence of the Establishment Division on the ground that they require highly technical or special qualifications, or isolated posts in which vacancies occur only very occasionally; and

(d) temporary vacancies likely to last for less than three months.

In the case of services to which recruitment is made by local areas or circles and not on an All-Pakistan basis, e.g. Class Ill posts in the Railways, Posts and Telegraphs Department, the Customs Services, the Income Tax

Department, etc., the total reservation for Pakistan as a whole of 6% of vacancies for Scheduled Castes candidates will be obtained by fixing a percentage for each local area or circle having regard to the population of Scheduled Castes in the area or circle concerned and the rules for recruitment adopted by the Provincial Government of the area or circle concerned. The relevant schemes for effecting this should be drawn up in consultation with the Establishment Division.

The percentage prescribed will be applied to vacancies in each grade or division of a service to which recruitment is made separately, e.g. clerks °B' grade and °A' grade in the Pakistan Central Secretariat, provided that more than one grade with the same or approximately the same pay and prospects may be combined together for this purpose, with the concurrence of the Establishment Division.

(v) In all cases a minimum standard of qualification will be prescribed for candidates of various communities alike and the reservation for the Scheduled Castes candidates will be subject to this condition.

(vi) If duly qualified Scheduled Caste candidates are not available to fill the vacancies reserved for them, the vacancies not filled by them will be treated as unreserved and filled on merit.

2. Ministries should initiate action required under sub-paras (ii) (Cc), (iii) and (iv) of para 1. Ministries should also proceed to lay down the minimum standards of qualifications required in respect of all the Services and posts under their control to which recruitment is made direct. As far as possible, the standards should be the same as laid down before Independence.

3. It does not seem necessary to prescribe a model roster to fill the vacancies reserved for the Scheduled Caste candidates. The Head of the Department or Office concerned making recruitment should, however, ensure that Scheduled Caste candidates are allotted their due share of vacancies under these rules promptly and properly.

5. The question whether reservation for the Scheduled Castes should be made in vacancies in Class IV Services under the Central Government is under consideration and orders on the subject will issue in due course.

[Authority.- Estt. Division O.M.No.56/2/48-Ests.(ME), dated 19-10-1948]. SI. No. 55

Reference. Establishment Division Office Memorandum

No.56/2/48-Estt.(ME), dated the 19th October, 1948.

It appears that the six per cent vacancies reserved for Scheduled Caste candidates are not filled by such candidates, the main reason being non-availability of qualified candidates. Therefore, it is desired that while filling the vacancies in which a vacancy or vacancies are reserved for Scheduled Caste candidates, specially when recruitment is made locally, proper publicity should be given in the Scheduled Caste areas in order to ensure that due representation is given to Scheduled Caste candidates in the Central Services/Posts. The Ministries, etc., are, therefore, requested to take necessary action in this respect while making recruitment in future.

[Authority.- Estt. Division O.M.No.5/5/57-R, dated 30-10-1957].

Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993

SI. No. 56

In pursuance of Rule 12 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the President is pleased to make the following rules, namely:—

PART | — GENERAL

(1) These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993.

(2) They shall come into force with immediate effect:

Provided that nothing in these rules shall apply to the appointment to the posts in BPS-17 to be filled through C.S.S. Competitive Examination.

PART Il —- GENERAL RELAXATION

(3) Maximum age limit as prescribed in the recruitment rules shall be relaxed in respect of the candidates mentioned in column (2) below to the extent mentioned against each under column (3):—

SI.No. Category of candidates

Age relaxation admissible

i) (a) Candidates belonging to Scheduled Castes, Buddhist Community, recognized tribes of the Tribal Areas, Azad Kashmir and Northern Areas for all posts under the Federal Government.

(b) Candidates belonging to Sindh(R) and Balochistan for posts in BPS-15 and below under the Federal Government.

ii) Released or Retired Officers personnel of the Armed Forces of Pakistan.

iii) Government servants who have completed 2 years continuous Government service on the closing date for receipt of applications.

iv) Disabled persons for appointment to posts in BPS-15 and below.

3 years.

3 years.

*[15] years or the number of years actually served in the Armed Forces of Pakistan, whichever is less.

10 years, upto the age of 55 years.

10 years

(4) Where a candidate is entitled to age relaxation under more than one categories specified in rule 3, he shall be allowed relaxation in age

only in one category.

*Amended vide Establishment Division Notification S.R.O.No.576(I)/2000, dated 17-8-2000.

*[4A. (1) Subject to sub-rule (2) the maximum age limit prescribed for initial appointment under any rules for the time being in force shall be relaxed by a period of five years;

(2) The relaxation in upper age limit shall be over and above the relaxation of age admissible to candidates specified in rule 3 or in any other rules for the time being in force].

**(4B. Notwithstanding the provisions contained in these rules or any other rules for the time being in force, the President or the Prime Minister may, on extreme compassionate grounds, grant age relaxation to an individual candidate for a period not exceeding three years over and above the relaxation in upper age limit already admissible, if any].

***7AC. Notwithstanding anything contained in these rules, or any other rules for the time being in force, one-time relaxation in the upper age limit shall be admissible to the persons appointed to the posts, on ad-hoc basis, from the 1st October, 1981, to the 31st December, 1995, to the extent they are overage for initial appointment to the posts, held by them, as and when advertised by the Federal Public Service Commission].

@r4D. Notwithstanding anything contained in these rules or any other rules for the time being in force, the President or the Chief Executive may grant age relaxation to the widow, son or daughter of a deceased civil servant who dies during service for such period as may be considered appropriate].

(5) Repeal.- All existing rules, orders and instructions relating to age relaxation issued from time to time are hereby repealed.

[Authority.—Estt. Division Notification No.S.R.O 1079(1)/93, dated 4-11-1993].

*Subs vide Estt. Division Notification No. S.R.O. 586(1)/99, dated 18-5-1999. **Added vide Estt. Division Notification No.9/2/91-R.5, dated 23-1-1995.

*** Added vide Estt. Division Notification No. S.R.O.798(1)/98, dated 10-7-1998. @added vide Estt. Division Notification No. S.R.O. 294(1)/2002, dated 31-5-2002.

Clarification regarding General Relaxation of 5 Years in Upper Age Limit prescribed in Recruitment Rules

SI. No. 56-A

Reference Establishment Division SRO 1079(1)/93, dated 4" November, 1993 was amended vide SRO 586(I)/99, dated 18" May, 1999 to provide as under:-

“The maximum age limit prescribed for initial appointment under any rules for the time being in force shall be relaxed for a period of five years”.

2. It is clarified that:-

(i) the above cited relaxation is with reference to the upper age limit prescribed in the recruitment rules of posts made under sub-rule(2) of Rule-3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and is not applicable to the case of Competitive Central Superior Services Examination conducted by the Federal Public Service Commission.

(it) All the candidates who, otherwise, fulfil the eligibility conditions of initial recruitment to a post as prescribed in the Recruitment Rules are entitled to it. Entitlement to the said relaxation is not subject to any discretionary powers.

3. In order to ensure that the above mentioned facility is availed by all intending eligible candidates, it is necessary that, whenever vacancies are advertised and an upper age limit as prescribed in the recruitment rules is mentioned in the advertisement, it should be clearly highlighted in the advertisement that the general concession of relaxation of upper age limit upto five years SHALL be available to all the candidates.

4. All Ministries/Divisions/Departments and the Federal Public Service Commission are, therefore, requested to clearly indicate in their advertisements that government has allowed general relaxation upto five years over the age limit prescribed in the Recruitment Rules of posts and given in the advertisement.

5. This supersedes Establishment Division O.M. of even number dated 23.11.2000.

[Authority:- Establishment Division’s O.M.No.F.9/2/91-R.5, dated 28.11.2000.

Physical Fitness SI. No. 57

Please consult Fundamental Rules 10 and 10-A_ and Supplementary Rules 3, 4 & 4-A of the Compilation of Fundamental & Supplementary Rules, Vol.1, regarding determination of physical fitness of Government servants on first appointment and during service.

Appointment to post "By initial recruitment" method

SI. No. 58

The procedure of making appointments against post, falling within the purview of the Federal Public Service Commission, by "initial appointment" either on regular basis through FPSC or on ad hoc basis pending the availability of FPSC-nominations, is laid down in the Civil Servants (Appointment, Promotion and Transfer)

Rules, 1973, and in several communications issued and circulated by the Establishment Division from time to time. Despite this, instances have come to the notice of the Establishment Division where Ministries/Divisions do not properly follow the rules and _ instructions while making _ initial appointments. Consequently, proposals received from them are not expeditiously processed in the Establishment Division for want of clarifications on one point or the other, which causes complaint to the referring Ministries/Divisions.

2. With a view, however, to enabling the Ministries/ Divisions to keep in view the method and procedure while making initial appointments, salient relevant rules and instructions have been brought together in the shape of "Guide-Lines", a copy of which is enclosed for their guidance (Annexure).

3. It is requested that the instructions contained in the "Guidelines" should be strictly followed, and in the case of doubt a clarification may please be sought from the Establishment Division.

[Authority.- Estt. Division O.M.No.2/9/76.D.III, dated 14-3-1981]. ANNEXURE GUIDELINES

For making appointment against posts falling within the purview of the FPSC, and to be filled "by initial appointment", in accordance with the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973

(I) POSTS TO BE FILLED THROUGH FPSC

(1) The method of appointment and the qualifications and other conditions applicable to a post should be laid down (that is to say, Recruitment Rules for the post should be framed), if not already done, by the Ministry or Division concerned, in consultation with the Establishment Division and the FPSC.

(2) The vacancies to be filled on All-Pakistan basis "by initial appointment" should be distributed on merit/regional-quota basis, as laid down in the Establishment Division's O.M. No. F. 8/9/72-TR.V, dated 31-8-1973 (SI. No.13) read with O.M.No. 9/7/ 80-A, Ill, dated 23 9-1980. (SI. No.39).

(3) The number of vacancies required to be filled should be referred to FPSC, indicating the requirements of the Recruitment Rules, and their regional quota, /.e. requisite qualifications/ experience/ age/domicile etc.

(4) In the absence of the Recruitment Rules, the requisition to FPSC should be routed through the Establishment Division.

(5) Vacancies which cannot be filled by candidates belonging to the Province or region to which the vacancy is allotted shall be left vacant, and re-advertised or filled at a later stage by a candidate of the same region. In other words, a vacancy for one region cannot be filled by a candidate of another region, even temporarily or on ad hoc basis.

(6) The vacancies should continue to be advertised through FPSC, until they are filled, according to their regional quota, by FPSC nominees.

(7) Nominee(s) of FPSC shall normally be accepted by the Ministry/Division/Department concerned. However, if the Ministry etc. does not accept the nomination(s), it shall communicate to the Commission the reasons for the non-acceptance, and after the Commission has expressed its further views in the matter, the case shall be submitted for a decision to the “President, in a self-contained Summary, through the Establishment Division.

(8) Proposal to appoint the FPSC-nominees in Grade-17 and above should be referred to the Establishment Division for seeking approval of the competent authority for their appointment. This should be done through a Summary to be signed by the Secretary (or Additional Secretary, if there is no Secretary) of the Ministry/Division concerned.

(9) The Summary should be accompanied by the following documents otherwise the proposal will not be considered by the Establishment Division:-

- A copy of the relevant Recruitment Rules.

- Copy of the requisition sent to FPSC.

- FPSC's letter of nomination.

- Bio-data of each nominee, containing his qualifications/ experience/age/domicile etc.

- Character Rolls of such nominees who may already be in Government service.

“Note.- For revised instructions pl. see para 1(i) of the Estt. Division O.M.

No.11/1/81-R.5 dated 20-8-1981 (SI.No.3).

“Note.- "Prime Minister" may be referred to in the present context vide SI.No.5, Schedule V-A Rules of Business, 1973 (1996 edition).

(10) After the competent authority has approved the appointment of the candidates nominated by the FPSC, their appointment shall be notified by the Ministry/Division concerned, under intimation to the FPSC and the Establishment Division.

(Il) POSTS TO BE FILLED ON AD HOC BASIS, PENDING THE AVAILABILITY OF FPSC - NOMINEES

(a) If a vacancy is required to be filled urgently, it may be filled on ad hoc basis, for a period not exceeding six months or till the availability of FPSC-nominee, whichever is earlier, provided that the vacancy is referred to FPSC, if not already referred, within two months of the filling of that vacancy on ad hoc basis.

(b) For making ad hoc appointment, the vacancies should be advertised in the Press, indicating the requirements of Recruitment Rules and regional quota, /.e. requisite qualifications/experience/age/domicile etc. it should be ensured that there is no disparity in the regional distribution of vacancies, referred to FPSC and advertised for ad hoc appointment through Press.

(c) In the advertisement for ad hoc appointment, it should clearly be stated that appointment on ad hoc basis shall be for six months, or till the availability of FPSC-nominees, whichever is earlier.

(d) Suitable applicants/candidates will be selected by the authorised Departmental Selection Committee.

(e) Prior approval of the competent authority should be obtained to appoint the selected candidates on ad hoc basis. In the case of ad hoc appointments to Grade-17 and above, approval should be obtained through a "Summary" to be signed by the Secretary (or Addl. Secretary, if there is no Secretary) of the Ministry concerned, and sent to the Establishment Division for the purpose.

(f) The Summary should be accompanied by the following documents otherwise the proposal will not be considered by the establishment Division:-

- A copy of the relevant Recruitment Rules.

- Press-cutting of the advertisement made.

- Minutes of the Departmental Selection Committee.

- A statement showing names and other particulars of the

selected candidates Viz. their qualification/ experience/age/domicile etc., supported by their original applications.

- Copy of the requisition, and a copy of the covering letter, sent to FPSC.

- A statement showing regional distribution of vacancies, against which ad hoc appointments are proposed to be made.

(g) Those approved by the competent authority, their appointment shall be notified by the Ministry/Division concerned, under intimation to the Establishment Division.

(h) In the letter/notification, relating to ad hoc appointment, it should specifically be stated that the candidate is being appointed on ad hoc basis for six months, or till the availability of FPRPSC-nominee, whichever is earlier.

(i) In case the FPSC are unable to provide nominee(s) within the first six months, and it is necessary, in the interest of public, to let the ad hoc appointee(s) continue, an extension in the tenure of his/their appointment for a period of not more than six months shall be obtained from the FPSC.

(j) Subsequent extension(s) in the ad hoc tenure, if necessary, shall be obtained, for a period of not more than six months, from the competent authority, in the manner pointed out at (e) above.

(k) If and when the vacancies are advertised by FPSC, the ad hoc appointees may apply for the same, through proper channel, and take a chance if they have not already applied.

(l) Persons appointed on ad hoc basis should not be promoted to higher posts.

(m) Similarly no promotion should be made on ad hoc basis, because "ad hoc basis", when used with reference to an appointment, means appointment of a person on temporary basis pending appointment

of a person nominated by the FPSC. In view of this position, Recruitment Rules, if any, containing provision for "ad hoc promotion", should be amended in consultation with the Establishment Division and the FPSC.

(n) As and when an FPSC-nominee becomes available the ad hoc appointee to the post for that region/domicile shall either be reverted to his lower post/grade (if he is already a civil servant) or his services terminated (if he is recruited directly from outside) immediately without any notice and without assigning any reason therefor.

[Authority.- Estt. Division O.M.No 2/9/76-D.Ill, dated 14-3-1981]. SI. No. 59

Bar against revising qualifications prescribed for the posts in the Recruitment Rules.- The Federal Public Service Commission have brought to notice that the Ministries/Divisions while placing requisitions for recruitment to posts under them deviate from the qualifications and other conditions prescribed for the posts in the Recruitment Rules. In some cases, requests were received by the Commission for modification of the qualifications after the posts had been advertised.

2. Ministries/Divisions are requested to ensure that qualifications and other conditions prescribed for various posts in the Recruitment Rules are strictly adhered to. If for any reasons these qualifications and conditions are required to be modified, the revised qualifications should be settled in consultation with the Establishment Division before requisitions are placed with the Commission. Once a requisition has been placed for recruitment and the post has been advertised by the Commission, the qualifications etc., should not be revised.

[Authority.- Estt. Division O.M.No.9/3/73-D.V., dated 26-11-1973]. SI. No. 60

Reference a provision to the following effect which is being suggested by the FPSC for inclusion in the recruitment rules whenever

draft recruitment rules have been referred to them in the recent past:-

"Provided also that if no suitable candidate is available with the prescribed conditions of age, qualifications, experience

etc., the Commission may relax the prescribed conditions if the candidate is otherwise suitable for an appointment to the recruitment”.

2. Establishment Division is of the view that relaxation of prescribed conditions by the Commission itself to avoid failure of recruitment is fraught with many administrative and legal implications. The posts with relaxed conditions will have to be re-advertised and if this is not done, the candidates who fulfil the relaxed conditions may go to a court of law against the selections made by the Commission on the ground of having been denied the opportunity to compete for the post under the relaxed conditions.

3. It has, therefore, been decided that the powers to relax the prescribed conditions for appointment to various posts should continue to remain with the competent authority.

[Authority.- Estt. Division letter No.9/1/73-R.5, dated 12-6-1984]. SI. No. 61

Belated requests for cancellation/withdrawal/postponement etc. of the requisitions received by F.P.S.C.- It has been brought to the notice of the Establishment Division by the Federal Public Service Commission that belated requests made to the Commission by various Ministries/ Divisions for the cancellation/withdrawal/ postponement corrigendum have increased considerably. During the year 1973, 11% of the requisitions received were re-advertised for corrigendum as desired by the Ministries/Divisions concerned while in 1974 this percentage has shot up to 24%. This not only places the Commission in an embarrassing position but also results in considerable delay and waste of time and public money.

2. With a view to obviate the chances of unnecessary delay and waste of public money, all Ministries/Divisions are requested to please take a clear and firm decision for all the initial recruitments to be made through the Commission while sending the requisitions to that body.

[Authority.- Estt. Division O.M.No.2/10/74-F.IV., dated 18-12-1974].

SI. No. 62

Reference instructions contained in the Establishment Division O.M. No. 9/3/73-DV, dated 26th November, 1973 and O.M. No. 2/10/74-F.IV, dated 18th December, 1974.

2. Instances continue to come to notice where after placing requisitions for recruitment with the Federal Public Service Commission, the Ministries/Divisions/ Departments have made changes in those requisitions. In some cases the number of posts notified for recruitment was reduced, in other cases the qualifications notified were modified. There have also been cases where the domicile for the post was changed or the requisition altogether withdrawn after the post had been advertised and the candidates interviewed. Such modifications in requisitions placed with the Commission are not only against the instructions issued by the Establishment Division but also place the Commission as well as the Government in great embarrassment, apart from delay in recruitment and wastage of public time and money. It has, therefore, been decided that, in future, if for very cogent reasons a requisition placed with the Commission has to be amended or cancelled, the reference to the Commission should be made under the signature of the Secretary of the Ministry/Division concerned giving the reasons for the proposed amendment. A copy of the communication should be endorsed to the Establishment Division.

[Authority.- Estt. Division O.M.No.11/4/76-D.V., dated 17-7-1976]. SI. No. 63

Change in requisition for recruitment placed with the Federal Public Service Commission.

Reference.- Establishment Division O.M. Nos. 9/3/73-DV (F/D), dated 26-11-73, 2/10/74-F.IV (F/1), dated 18-12-1974 and 11/4/76-DV (F/X), dated 17-7-1976.

2. It has been brought to the notice of Establishment Division by the Federal Public Service Commission that requests for amendment/cancellation of the requisitions for recruitment on the plea of amendment in the Recruitment Rules are still being received by them after the posts are advertised and, in some cases, even after notice for interview is issued. The Commission have observed that such amendments are generally proposed to accommodate ad hoc appointees who otherwise do not fulfil the requirements of the relevant Recruitment Rules.

3. As such situations cause embarrassment to the Commission, and result in considerable waste of time and funds spent on re-advertisement, it has been decided that in future no request for amendment/withdrawal of requisition for recruitment will be entertained by the Commission on the plea of an amendment in the Recruitment Rules. The amendments, if any, will have only prospective and not retrospective application.

[Authority.- Estt. Division O.M. No.11/4/76-D.V. dated 19-10-1977]. SI. No. 64

Check on amendment, cancellation/withdrawal of requisition sent to the FPSC.- It has been brought to the notice of Establishment Division that Ministries/Divisions etc. after having sent their requisition to the FPSC for recruitment to the posts to be filled by direct recruitment, frequently request for changes in the terms and conditions or even suggest postponement of the recruitment even after posts are advertised. Such actions of Ministries/Divisions not only delay the finalization of the recruitment, but also place the Commission as well as the Government in an embarrassing position. It also puts the candidates to a difficult situation leading to unnecessary labour and waste of money.

2. With a view to exercising proper check on such request for amendment, cancellation/withdrawal of requisition etc., it has been decided that in future all such requests should be routed through the Establishment Division by Ministries/ Divisions etc.

3. Strict compliance by all Ministries/Divisions is requested.

[Authority.- Estt. Division O.M.No.2/51/78.D.III, dated 11-7-1979].

SI. No. 65

Revised Requisition Form for direct-recruitment through the Commission.- Revised Requisition Form FPSC-21 for use in recruitment of candidates for appointment to various posts by interview method only is annexed. It is requested that in future the revised Requisition Forms may please be used while forwarding requisition to the Commission, instead of the old Forms.

[Authority.- Federal Public Service Commission's letter No.F.16/6/82-RI, dated 4-7-1982].

Annexure

F.P.S.C.-21

FEDERAL PUBLIC SERVICE COMMISSION

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" B"

(1)

(2)

(3)

(4)

FOR CANDIDATES INFORMATION

(a) Designation of the post.

(b) Number of posts to be filled.

(c) Grade.

(d) Scale.

(e) Special pay (if any).

(f) Whether higher starting salary admissible if any, upto, and necessary prior sanction of the Ministry of Finance has been obtained?

(g) Any other special concessions such as _ free quarters, light, water, etc.

Whether permanent or temporary. (if temporary period for which it will last)?

(a) Duties. (b) Place of duty.

FOR ADVERTISEMENT

Qualifications required (no deviations from _ notified Recruitment Rules are permissible).

(a) Academic:(If more than one qualifications are prescribed, preference, if any, as reflected in the Recruitment Rules).

(b) Training.

(c) Experience.

(The prescribed experience counts after acquiring the requisite basic educational qualification. Whenever the Ministry/Division consider that the prescribed experience gained before acquiring the minimum prescribed educational qualification should also be considered as relevant, this should be made clear, and full justification may please be given for providing this relaxation in the interest of service).

(5) Age Limits. (a) Minimum. (b) Maximum.

(Any relaxation, whether in Minimum or Maximum age limits).

(6) Provincial/Regional distribution of post(s) in terms of Recruitment Policy. In figures In words

Merit (10%)

Punjab. (50%) ———wrewerweee ween Sindh (Urban Areas)

(40% of 19% or

A) Sindh (Rural Areas).

(60% of 19% or

11.4%) ——— weenennene neneene NWEFP(11.5%) —————weweennene wenn Balochistan

(3.5%) = weete nnn neneene N.A.FATA(4%) (—wererееeere ween Azad Kashmir (2%) wrwrereree wrens

(No change in allocation or reduction in the number of posts would be permitted so far as this requisition is concerned).

“Merit 10%

Punjab (including Federal Area of Islamabad) 50% Sindh (including Karachi) 19%

A Ot

(7)

(8)

(9)

(10)

The share of Sindh will be further sub-allocated in the following ratio :

Urban Areas, namely Karachi, Hyderabad and Sukkur 40% of 19% or 7.6%, Rural Areas, /.e. rest of Sindh excluding Karachi, Hyderabad and Sukkur. 60% of 19% or 11.4%.

N.W.F.P. 11.5% Balochistan 3.5%

Northern Areas and Federally Administered Tribal Areas 4% and Azad Kashmir 2%.

Are Government servants eligible for concession of age, qualifications, experience, etc., which are relaxable in their favour, as per notified Recruitment Rules.

Any other condition or qualification not covered by above questions.

Are women eligible in terms of Recruitment Rules? If women are to be declared ineligible, the Establishment Division's prior approval must be obtained.

OTHER POINTS

Have the Recruitment Rules, including method of recruitment and qualifications for the posts been approved by the Establishment Division and the Commission? If so, please state.

(a) The Gazette Notification No. and date of the Recruitment Rules.

(b) Whether the Recruitment Rules (with amendments if any) amended in consultation with the Establishment Division and the Commission? If so,

N.B.-

Name

(11)

(12)

please give the Gazette Notification No. and date of all amendments and a copy of the same should be enclosed.

(c) An up-to-date and complete copy of recruitment Rules must be enclosed with this Requisition.

Was this post advertised previously? if so, in which year (Commission's Consolidated Advertisement No. should be quoted).

Name, telephone number and address of Departmental Representative will be asked by the Commission about a fortnight ahead when the interviews are fixed up.

The D.R. should be of the status of Joint Secretary to the Federal Government and for the sake of uniformity of assessments of candidates the same D.R. would be required to assist the Commission at all interviews centres for a particular appointment.

(13)

Particulars of the present ad hoc appointee (s).

Date of Qualification Experience Domicile Date of birth ad hoc appointment.

(14)

It is certified that:

(i) The qualifications, age limits and experience laid down in the above Requisition are in accordance with the recruitment Rules, which have been published in the Gazette of Pakistan after approval by the Establishment Division and the Federal Public Service Commission.

(ii) The particulars of ad hoc appointees have been given in the requisition against Column 13. The ad hoc appointees fulfil all the prescribed qualifications as educational qualification, experience, age limits and ‘Domicile.

(iii) The Provincial/Regional distribution of posts as given against item No. 6 is in accordance with the Government Recruitment Policy as contained in the Establishment Division's O.M. No. F. 8/9/72-TRV, dated the 31st August, 1973, as amended from time to time.

The allocation of the post has not been changed as since it was last advertised. The allocation of the post since it was last advertised has been changed with the concurrence of the Establishment Division, as required in their O. M. No. 8/15/73-TRV, dated the 29th November, 1973.

(iv) The Requisition has been signed by an officer of the status of Deputy Secretary or above.

(v) Detailed duties of the post against Column 3 of the Requisition have been mentioned and enumerated.

(vi) No changes as regards qualification, experience, age, domicile, grade, scale of pay, etc., as far as this Requisition is concerned will be accepted, save in unavoidable circumstances when any change in Requisition will have to be routed through the Establishment Division. Request for such a change will be signed by the Secretary of the Ministry/Division and routed through — the Establishment Division, as required vide O.M. No. 11/4/76-DV, dated the 17th July, 1976 and No. 2/51/78-DIll dated 11th July, 1979.

Signature........... Designation of forwarding authority

“Please strike out the alternatives not applicable.

SI. No. 66

Forwarding of applications from departmental candidates for competitive examinations/selections.- The ‘existing rules require that applications for appointments in other offices should be forwarded through proper channel. The question has arisen as to what should be considered the appropriate authority for forwarding applications of the staff employed in a particular office. As only a responsible and fairly senior officer of a Division, etc., is generally in a position to know the staff requirements of this Division, it has been decided, in consultation with the Federal Public Service Commission, that, in the case of a Ministry or Division, the forwarding authority should be at least a Deputy Secretary, and in the case of an Attached Department or a Subordinate Office, it should be the Head of the Department or Office, or an officer of rank equivalent to that of a Deputy Secretary designated by him.

[Authority.- Estt. Division O.M.No. 50/I/48-Estt.(ME), dated 3-6-1948]. SI. No. 67

Reference.- Establishment Division Office Memorandum No. 50/I/48-Ests. (ME), dated the 3rd June, 1948.

It has been brought to the notice of the Establishment Division by the Federal Public Service Commission that the instructions contained in the Memorandum referred to above are not being generally followed by Ministries/Divisions, and more often applications in response to the Commission's advertisements are forwarded by the Ministry/Division concerned with endorsements signed by Assistant Secretaries, although the instructions issued in the Office Memorandum referred to above require that the forwarding authority should at least be a Deputy Secretary in the case of Ministries/Divisions. It is accordingly requested that the instructions contained in the Establishment Division Office Memorandum referred to above, should please be followed strictly in forwarding applications.

[Authority.- Estt. Division O.M.No.50/I/48-Estt.(ME), dated 30-3-1950].

‘Note.- For Government Servants (Application for Services and Posts) Rules, 1966,

SI. No. 68

Under the existing rules all Government servants, whether in Provincial or in Central Service, have to apply to the Federal Public Service Commission in connection with examinations/ selections held by them through their respective Heads of Departments or Offices. The last date for the respective applications by the

Commission is set down in the Notice relating to every examination conducted by them and in the advertisements issued in connection with selections to be held by them.

2. The Federal Public Service Commission have pointed out that many such applications are received in their office long after the closing date, and have hitherto been entertained if the Commission were satisfied that candidates themselves were not at fault. The Commission are not prepared to continue this indulgence indefinitely and desire it to be made clear that in future late applications will not normally be accepted whatever the reason. It is, therefore, requested that care should be taken to see that applications of candidates who apply to the Federal Public Service Commission for the Central Superior and Ministerial Services Examinations and selections are not delayed beyond the permitted date since delay in future will not be condoned.

3. To deprive a candidate of his candidature by reason of a negligent omission to forward his application could be serious act of irresponsibility.

[Authority.- Estt. Division Letter No.25/4/53-SEI, dated 23-7-1953 to the Provincial Chief Secretaries with copy to Ministries/Divisions].

SI. No. 69

Reference.- Establishment Division letter No. 25/4/53-SEl, dated the 23rd July, 1953.

It has been reported by the Federal Public Service Commission that in several cases the applications from departmental candidates for the various competitive examinations/ selections held by the Federal Public Service Commission are forwarded by the Departments concerned very late, without regard to the last date prescribed for receipt of applications announced by the Commission. To avoid recurrence of such delays, the Commission have decided that departmental delays in

forwarding the applications of departmental candidates will not normally be condoned. They will be condoned only in exceptional circumstances, which will be considered by the Commission on the merit of each case.

2. In view of what has been stated above it will be very much appreciated if every possible effort is made to ensure that applications from departmental candidates for appearing at the competitive examinations/selections held by the Federal Public Service Commission are forwarded to the Commission by the due dates. In case of unavoidable delay reasons should please be recorded, otherwise applications received after the due date will not be entertained by the Commission.

[Authority.- Estt. Division Letter No.8/4/60-E.XIV, dated 18-7-1960 to the Provincial Chief Secretaries with copy to Ministries/Divisions].

SI. No. 70

Reference.- Letters No. 54/4/53-SE-I, dated 23rd July, 1953 and No. 8/4/60-E, dated 18th July, 1960.

2. The Federal Public Service Commission has again complained that the applications of departmental candidates are sometimes received late thus causing all round inconvenience and considerable delay in finalization of recruitment cases.

3. It is, therefore, requested that all the Departments may please be instructed to strictly observe the instructions contained in the aforesaid letters of this Division while forwarding applications to the F.P.S.C.

[Authority.- Estt. Division O.M.No.2/9/73-D.Ill, dated 24-5-1974]. SI. No. 71

Failure of the Provincial Governments and_ Federal Ministries/Divisions to inform the F.P.S.C. about withholding of application within one month of the closing date not to effect the candidate's selection/ appointment.- In the Establishment Division's letter No. 8/54/79/F.1(D.5) dated 5th August, 1980 it was requested that the applications, if submitted by Provincial Government employees through proper channel to FPSC, for posts advertised by the Commission, should please be forwarded on top priority basis; and in case an application is required to be with-held for any reason, the Commission should be informed within one month of the respective "closing date" of the applications.

2. The FPSC have reported that despite the instructions issued on 5th August, 1980, the objective has not been achieved. Several candidates, who appeared before the Commission on the basis of their "duplicate/ advance copy", have told the Commission that their original applications fell a prey to the clerical redtapism in their respective offices, and their applications could not be forwarded to the Commission. The Commission have also complained that in several cases the Provincial Governments as well as the Federal Ministries/Divisions/Departments informed the Commission about the with-holding of applications, after the closing date and in certain cases at a stage when the employee/ candidate had even been interviewed. It will be appreciated that with such state of affairs, not only the efforts of the Commission are wasted, but the talented/suitable candidates are also prevented from selection/nomination.

3. Under these circumstances, it has been decided that:-

(i) If the Provincial Governments and the Federal Ministries do not inform the Commission of their refusal, within one month of the "closing date", it will be presumed by the Commission that permission has been granted to the employee/ candidate who has applied in advance; and

(ii) In view of (i) above, if a departmental candidate/ employee is selected/nominated by the Commission, the parent Government/Ministry/ Department/ Corporation etc. of that candidate shall be bound to relieve him, to enable him to join the post for which he has been nominated.

4. All departments/offices/autonomous organizations under the administrative control of the Ministries/Divisions may be_ informed accordingly.

[Authority.- Estt.Division Letter No.8/54/79-F.1-D.(5), dated 16-8-1981].

SI. No. 72

Recruitment of candidates on a pay higher than the minimum scale of the post.- It has been decided in consultation with the Ministry of Finance that the following procedure shall be adopted in connection with recruitment through the Federal Public Service Commission when it is proposed to appoint a candidate on an initial pay higher than the minimum of the post and the requisition sent to the Commission admits of such higher initial pay being given in suitable cases:

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Ordinarily posts will be advertised on prescribed scales and there need be no provision in the advertisement for a higher initial pay being given. In all such cases the appointments must be made on the minimum of the scales. No representation for a salary higher than the minimum of the scale will be entertained from any person who enters Government service in response to such advertisement without prior consultation with the Federal Public Service Commission and the Ministry of Finance.

In special cases, however, where due to dearth of suitable candidates or where previous attempts to attract candidates on the minimum of the scale had failed, it may be felt necessary to provide for a higher starting pay. In such cases, whenever the requisitions for recruitment are sent to the Federal Public Service Commission the prior concurrence of the Ministry of Finance must be obtained, if it is intended in deserving cases to provide a higher initial pay than the minimum of the advertised scale. The limit in the scale up to which the Federal Public Service Commission may be authorised to recommend the starting salary will be laid down by the Finance Ministry in each such case.

Before a recommendation as to the higher initial pay made by the Commission is accepted by the Ministry concerned, the concurrence of the Ministry of Finance must be obtained.

* Note.-Please see revised orders vide para 2 of the Estt. Division O.M.No.2/22/75-D.II|

dated 31-10-1976.

(iv) Normally, no candidate should be given a salary higher than that recommended by the Commission. If, however, in an exceptional case it is considered desirable to give a higher salary to a candidate than that suggested by the Commission, it will be necessary to obtain the concurrence of the Commission before seeking the approval of the Ministry of Finance.

(v) Any subsequent recommendation made by the Commission must, before it is accepted, have the prior concurrence of the Ministry of Finance.

2. The procedure outlined above, will apply mutatis mutandis, to posts to which recruitment is made on contract. Each such case will however, be considered on its merits as regards the scale of pay and the maximum of the higher start.

[Authority.- Estt. Division O.M.No.11/4/50-SEl, dated 16-5-1951].

SI. No. 73

Grant of starting salary to candidates after selection by the Federal Public Service Commission.- |\t has been brought to the notice of this Division by the Federal Public Service Commission that Ministries/Divisions sometimes approach the Commission to recommend starting salary higher than the minimum prescribed for the candidates after they have been nominated by the Commission. The position in this respect is stated below.

2. In case it is intended to grant higher starting salary to incumbent of any post, the F.P.S.C. should be informed of such details at the time when the requisition for that post is sent to them to enable them to include this provision in their advertisement. Further, according to Serial No. 16 of Annexure II to the Ministry of Finance O.M.No.F 1(5)R 12/80, dated the 11th March, 1981, the F.P.S.C. may recommend the grant of not more than six premature increments to a nominee only when suitable persons of requisite qualifications are not available on the minimum prescribed pay of the post. In either case the Commission may use its discretion to recommend and to fix the number of such increments within the prescribed limit or not to recommend the premature increments.

3. As explained above, in cases where the F.P.S.C. has

nominated a person without recommending premature increments, there is no justification for a Ministry/Division/ Department to ask the Commission for recommendations for such increments.

4. Ministries/Divisions are requested to explain the above position to all the Departments/Offices under their jurisdiction.

[Authority.- Estt. Division O.M.No.2/22/75-D-IIl, dated 31-3-1976].

Recruitment to the Posts BPS-16 and above

SI. No. 74

While processing recruitment against various posts in BPS-16 and above under the Federal Government, the administrative Divisions/Departments are required to nominate professionally competent and senior officers (in BPS-20 or above), as Departmental Representatives to assist the Federal Public Services Commission in assessing suitability of the candidates.

2. FPSC has reported that over the years it has been noticed that the Departmental Representatives are either not nominated at all or they do not attend on specified dates. At times they come late also. Generally officers of BPS-19 or below are nominated. They, very often, do not have the requisite experience and/or they lack relevant professional/technical expertise in the field of the advertised post. Commission is not informed about the non-availability of a qualified officer for which last minute alternate arrangements are impossible to make. The names/ addresses of the Departmental Representatives seldom given, nor are their telephone

(Office and residential) numbers provided. Thus the Commission is prevented from reaching them to ensure their presence.

3. It is, therefore, requested that FPSC's instructions in this regard may kindly be complied with in letter and spirit so as to avoid any untoward situation in future.

[Authority.- Estt. Division (Training Wing) Circular No. 3/8/92-T.V. dated 17-10-1993].

SI. No. 75

Recruitment Policy.- The legal frame work for recruitment and its procedures has been provided in Civil Servants Act, 1973; Civil servants (Appointment, Promotion and Transfer) Rules, 1973; Federal Public Service Commission Ordinance, 1977 and Federal Public Service Commission (Functions) Rules, 1978. The law and rules, by themselves, are not enough to meet the functional requirements and need to be supplemented by a comprehensive and consistent set of policy guidelines.

2. Comprehensive guidelines for recruitment have, therefore, been framed with the approval of the Prime Minister (Annexure). The new recruitment policy will take effect immediately. Detailed instructions on some of the points or amendment in rules where necessary are being issued separately.

[Authority.- Estt. Division d.o. letter No.10(1)/91-CP-I, dated 1-1-1992].

Annexure

RECRUITMENT POLICY FOR THE FEDERAL SERVICES/ AUTONOMOUS BODIES/CORPORATIONS

The existing procedures formulated in the past with regard to recruitment were on the basis of experience; the problem mainly lay in the implementation of the policy which provided large areas of discretion. As per the existing policy, the Federal Public Service Commission was responsible for recruitment in the Federal Services only to posts in BPS- 16 and above. The Autonomous Bodies/Corporations did not come under the purview of the FPSC. Again the quotas are applicable in Autonomous Bodies/ Corporations only for recruitment to posts in BPS-17 and above.

2. A new recruitment policy has been formulated laying emphasis on merit, elimination of discretion and the monitoring role of public representatives. Salient features of the new recruitment policy are as under:-

(a) The role of the FPSC in recruitment has been enhanced. It will also strictly adhere to a maximum period of 6 months from the receipt of requisition for recommending nominees.

(b) Efforts have been made to minimize discretion.

(c) Regional/provincial quotas have been made applicable in Autonomous Bodies/Corporations as is being observed in the Federal Services.

(d) Ad hoc appointments have been discontinued.

(e) Monitoring role of the Public Representatives in implementation of the recruitment policy has been incorporated.

(f) Five per cent quota for orphans and destitutes has been provided.

(g) Regional/provincial imbalances will be removed. 3. The details of the recruitment policy are as under:-
(a) Recruitment to posts in BPS-16 and above which is around an annual intake of about 1000 will continue to be made through the FPSC. However time taken by the FPSC will be curtailed to a

maximum of 6 months from the date of receipt of question.

(b) Recruitment to posts in BPS-11 to 15 for the following departments will be entrusted to the FPSC:-

(1) Ministries/Divisions.

(2) CBR _ including Customs and Income Tax Departments.

(3) Federal Investigation Agency.

(4) Pakistan Narcotics Control Board. (5) Pakistan Railways.

(6) Immigration and Passport.

(7) Export Promotion Bureau. (8) Islamabad Capital Territory.

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(9) Bureau of Emigration and Overseas Employment. (10) Estate Office.

(11) Offices of the Chief Controller of Imports and Exports.

For posts in other than selected departments, the procedures will be streamlined and merit to be assigned to requisite experience/ academic/technical qualifications.

No weightage should be given to the interview and resorted to only if considered necessary to adjudge the Suitability for a particular job. For example if a person stammers then for a post like that of Radio Broadcaster, physical interview may be essential to detect the disability.

Objective type of tests, if considered necessary to determine the eligibility for a specific post, will be organized with the prior permission of the Establishment Division.

Recruitment should be made on regular, known, periodic intervals in February and August each year, after proper advertisement through Electronic and National/Regional media. After advertisement minimum period of 30 days should be allowed for receipt of applications. No Ministry/Division/ Department/Organization shall receive applications for any post unless the vacancies are advertised.

Procedures for recruitment to posts in BPS 6 to 10 to be as per (c) to (f) above.

Procedures for recruitment to posts in BPS 1 to 5, like Lower Division Clerk where the qualification is at least Matric, will also be as per (c) to (f) above. For others as per the present practice.

Ad hoc appointments irrespective of grades will be discontinued. In unavoidable circumstances, all ad hoc

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appointments will be made with the specific permission of the Prime Minister. No such appointment will be got regularized under any circumstances.

Recruitment to posts in Autonomous bodies/Corporations.

(1) The present system of recruitment to Management Grades M1 to M3 or equivalent is considered satisfactory and will continue.

(2) For appointments of Senior Managers/ Deputy Managers in Grades E11 - E5 and for appointments to non-executive grades equitable with Government BPS-3 and above the selection be based keeping in view the Regional/Provincial quota as applicable in the Federal Services. Method should conform to (c) to (f) above.

(3) No weightage should be given to the interview if considered necessary to adjudge suitability for a particular job.

Age relaxation NOT to be allowed when candidates of correct age are available. This will not apply to those candidates who become overage during the ban.

Parliamentary Committee will be constituted in each Ministry/Division to oversee and monitor the implementation of policy in respect of recruitments made other than through the FPSC. The same would apply to each autonomous body/ corporation.

The Regional/Provincial quota if not filled will be carried forward until/unless suitable hands are available from the Provinces/Regions concerned. No "substitute" recruitment should be allowed.

The vacancies of each Ministry/Division/ Department/Autonomous Body/Corporation as per the Regional/Provincial quota should be advertised through Regional/Provincial/National | Newspapers/ — Electronic

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Media and that too, on Sundays. This is on the pattern of the FPSC where the posts are advertised on Fridays.

Booklet of vacancies will be printed by the concerned Ministries/Divisions incorporating all Departments/Subordinate Offices/Autonomous — Bodies/ Corporations in December and June each year and made available on payment to all for information.

An exercise will be carried out to revise the classification of Federal Government Offices/ Autonomous Bodies/Corporations functioning on Regional/Provincial basis. This should be monitored by the Committee of Public Representatives being established in each Ministry/Division.

Five per cent of the vacancies available to a region/province as per their quota will be reserved for orphans/destitutes. The criteria is being determined separately.

To give relief to the candidates who may become overage as a result of ban imposed by the Government since November 1990, the age limit be relaxed by one & half years till 31-12-1992.

The present application of 1% quota for employment of disabled persons should be enforced strictly.

Details regarding the backlog of backward areas for employment in Federal Services/Autonomous Bodies/Corporations as per Provincial/regional quota should be collected from each Ministry/ Division/Department and then the situation rectified.

The present strength of members of the FPSC be raised from 8 to 10 and additional funds to the tune of Rs.12.55 million be provided to take on the additional work of recruitment to selected posts of BPS 11-15. FPSC to establish regional centres for receipt of applications and conducting of tests/ interviews for the advertised posts in

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SI. No. 76

far flung areas like Chitral and Gilgit etc.

The inter se merit in provinces should be on as small a unit as possible - both for Federal and Provincial Governments jobs.

Recruitment Policy for the Federal Services/Autonomous Bodies/Corporations.- The question of formulating a_ merit-based recruitment policy has been under consideration of the Government for some time past. The Government has decided to lift the ban with immediate effect and to lay down the following policy for recruitment:-

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(b)

Recruitment to posts in BPS 16 and above will continue to be made through the Federal Public Service Commission (FPSC) as hithertofore. However, the time taken by the Commission will be curtailed to a maximum of six months from the date of receipt of requisition.

Recruitment to posts in BPS 11 to 15 in all the Ministries/Divisions, and the following Departments is entrusted to the FPSC:-

(1) Central Board of Revenue including its departments such as Customs, Excise, Income Tax etc.

(2) Federal Investigation Agency.

(3) Pakistan Narcotics Control Board.

(4) Pakistan Railways.

(5) Immigration and Passport.

(6) Export Promotion Bureau.

(7) Islamabad Capital Territory.

(8) Bureau of Emigration and Overseas Employment.

(9) Estate Office.

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“Now Abolished.

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(10) Offices of the Chief Controller of Imports and Exports.

For the posts in BPS 11 to 15 and BPS 6 to 10 in other than the departments mentioned in (b) above, and the posts in BPS 6 to 10 in all the Ministries/Divisions/Departments, the procedures will be streamlined and merit will be determined on the basis of requisite experience, academic and technical qualifications, as under:-

(i) No weightage shall be given to the interview, and the interview shall be resorted to only if considered necessary to determine the suitability for a particular job e.g. if a person stammers for a post of Radio Broadcaster etc., physical interview may be essential to detect the disability.

(ii) Objective type of tests if considered necessary to determine the eligibility for a specific post, will be organized with the prior permission of the Establishment Division.

(iii) Recruitment shall be made only in the months of February and August each year. All the posts shall be advertised through Electronic and National/Regional media. No _ Ministry/Division/ Department/Organization shall receive applications for any post unless the vacancies are advertised. A minimum period of 30 days will be allowed for receipt of applications.

Procedures for recruitment to posts in BPS 1 to 5 such as Lower Division Clerk where the qualification is at least Matric, will also be as per (c) above. For others as per the present practice.

No ad hoc appointment will be made in any Basic Pay

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Scales. In unavoidable circumstances, such appointments will be made with the specific permission of the Prime Minister. No such appointment shall be regularised under any circumstances.

Age relaxation will not be allowed when candidates of correct age are available. This will not apply to those candidates who have become overage due to the ban on recruitment. They will be allowed age relaxation of one and half years till 31-12-1992.

The Provincial/Regional quota if not filled will be carried forward till suitable candidates are available from the Province/Region concerned. No ‘substitute’ recruitment will be made.

The vacancies in each Ministry/Division/ Department/ Autonomous Body/Corporation, as per the Provincial/ Regional quotas, shall be advertised through National/ Provincial/Regional newspapers and Electronic Media on Sundays.

Booklet of vacancies,other than those falling in the purview of the FPSC, will be printed by the concerned Ministries/Divisions in respect of their Departments/ Subordinate Offices/Autonomous Bodies/Corporations in December and June each year and will be made available on payment.

Five per cent of the vacancies available to a Province/Region as per quota will be reserved for orphans/ destitutes. The criterion is being defined separately.

The present application of 1% quota for employment of disabled persons should be strictly adhered to.

The deficiency in Provincial/Regional representation of backward areas, if any, in Federal Services and in the Autonomous Bodies/Corporations will be worked out and intimated to the Establishment Division for rectifying the existing imbalance.

(m) An exercise will be carried out to classify the Federal Government Offices/Autonomous Bodies/ Corporations on functional basis i.e. All Pakistan, Provincial or Regional. The intake from within a province will be on as small a unit as possible - both for Federal and Provincial Governments jobs. This would be monitored by the Committee of Public Representatives being established in each Ministry/Division.

(n) Parliamentary Committees will be constituted by the Prime Minister for each Ministry/Division to oversee and monitor the implementation of policy in respect of recruitment other than through the FPSC. The same would apply to each autonomous body/corporation.

[Authority.- Estt. Division O.M.No.3/1/92-R.2, dated 2-1-1992].

Ad hoc appointment pending regular selection by the F.P.S.C.

SI. No. 77

Observance of recruitment policy, regarding provincial/regional quota in making ad hoc appointments.- The recruitment policy of Government regarding provincial/regional quotas etc., is to be observed in all cases of direct recruitment to vacancies including temporary vacancies, expected to last for more than 3 months, vide Establishment Division Office Memorandum No. 25/48-SEl, dated the 13th November, 1948 and No. 1/6/59-R, dated the 5th May, 1959.

2. Since ad hoc appointments made pending availability of suitable qualified candidates are also temporary appointments, the recruitment policy should be observed in all cases of ad hoc appointments made by direct appointment in which the candidate is likely to hold the post for more than 3 months or there is a chance of extension of his appointment beyond three months if appointed for a lesser period.

[Authority.- Estt. Division O.M.No.1/22/66-D.V.,dated 17-10-1966].

SI. No. 78

Advertisement for ad hoc appointments.- Attention is invited to Establishment Division's Notification No. 1498(I)/73, dated 20th October, 1973 regarding Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

2. In accordance with Part IV dealing with ad hoc and temporary appointments, rule 19 lays down that the post shall be advertised and the same procedure as laid down for the initial appointment in Part III shall be followed for making ad hoc appointments.

3. A number of cases have come to notice where ad hoc appointments have been made from amongst departmental candidates or from other applicants without an advertisement having been made in the press.

4. This is irregular. In future no proposal for ad hoc appointments will be entertained unless the post has been duly advertised. The summary of the case submitted to the Establishment Division should invariably state that the post has been advertised and the clipping of the advertisement should be enclosed with the summary.

[Authority.- Estt. Division O.M. No. 2/23/78-D.IIl, dated 17-4-1978]. SI. No. 79

Ad hoc appointees to be clearly told of the conditions of their appointments.- It has been noticed that various Ministries/Divisions etc. while advertising posts, falling within the purview of the FPSC, for purposes of making ad hoc appointments thereto, do not take into account the fact that the appointees on the basis of such advertisements, being replaceable by the FPSC nominees, should be clearly told of this condition of their appointments. This omission on the part of various Ministries/ Divisions, etc. may give rise to complications later on.

2. It is, therefore, requested that while advertising for ad hoc appointments to such posts the Ministries/Divisions etc. should categorically state that the candidates appointed on the basis of such advertisements will be replaceable by the FPSC nominees. The condition may also be communicated to the candidates in the letters/notifications of

such appointments so that no appointee claims regular appointment subsequently on the basis of advertisement or appointment letters/notifications.

3. It may also be ensured that requisition for such posts should invariably be sent to the Commission within two months of the filling up of such posts on ad hoc basis.

[Authority.- Estt. Division O.M.No.2/6/74-F.IV, dated 14-6-1974]. SI. No. 80

Avoidance of favouritism or nepotism in making ad hoc appointments.- Considerable time often elapses before candidates recommended by the Federal Public Service Commission become available for appointment. Consequently, ad hoc appointments are made pending selection of suitable candidates by the Commission. In this connection it has been brought to the notice of Government that in making ad hoc appointments, officers in certain Ministries/ Departments indulged in favouritism and nepotism. Government view this with concern and it has been decided that suitable disciplinary action should be taken against the delinquent officers.

2. Acts of favouritism or nepotism being prejudicial to good order or service discipline constitute misconduct as defined in the Government Servants (Efficiency and Discipline) Rules. It is, therefore, requested that if instances of favouritism or nepotism or irregularity in making ad hoc appointments are brought to notice, the officers responsible should be proceeded against under those Rules. Suitable instructions may also kindly be issued to all officers concerned in the Ministry including Attached Departments and Subordinate Offices.

[Authority.- Estt. Division d.o.letter No.2/2/62-D.1, dated 15-2-1962]. SI. No. 81

Recruitment to post in BPS 17 and above on ad hoc basis.- The following instructions are issued for making ad hoc appointments in BPS

17 and above, in amplification of the instructions given in Part IV of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973:-

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The decision that it is in the public interest to fill a post urgently, pending nomination of a candidate by the Commission, may be taken by the Secretary of the Ministry/Division.

The vacancy may, in the first instance, be referred to N.D.V.P. if they are in a position to nominate one or more persons registered with them who fulfil the requirements as to age, qualifications, experience, domicile, etc., selection may be confined to these persons; otherwise the post should be advertised.

All eligible applicants should be considered by a Selection Committee headed by Secretary or Additional Secretary of the Ministry/Division and two Members of BPS 19 or above. If the post belongs to an Attached Department or Subordinate Office, the Head of Department or office may be co-opted as a Member.

The record of the Selection Committee together with a summary giving reasons why the post is required to be filled urgently on ad hoc basis, should be forwarded to the Establishment Division when the case is referred to them for obtaining approval of the competent authority.

After the competent authority has approved the appointment to be made, the letter of appointment may be issued by the Ministry/Division concerned.

[Authority.- Estt. Division O.M.No.D-268/74-D.V., dated 29-6-1974].

SI. No. 82

It has been observed that sometimes the proposals for ad hoc appointments are forwarded to the Establishment Division for approval of the competent authority without first placing a requisition with the Federal Public Service Commission for regular appointments. It needs hardly, to be mentioned that reference of a post to the Commission is a condition precedent for ad hoc appointment to that post. Non-observance of this simple procedure unnecessarily delays the disposal of such cases. Ministries/ Divisions are, therefore, requested to send proposals for ad

hoc appointments to the Establishment Division only after requisitions have duly been placed with the Federal Public Service Commission in cases where Recruitment Rules have been notified.

[Authority.- Estt Division circular No.2/60/87-CP-5 dated 29-9-1987]. SI. No. 83

Proposals for continuance of ad hoc appointments.- It has been observed that placing of requisitions on the Federal Public Service Commission in respect of posts required to be filled through the Commission are delayed by the Ministries/Divisions without any justification and ad hoc appointments made on such posts are continued for long periods.

2. In this connection attention is invited to Rule 18 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, which requires that a requisition in the prescribed form shall be forwarded to the Federal Public Service Commission immediately when it is decided to fill the post in question or, if that is not practicable and the post is filled on ad hoc basis, within two months of the filling of the post.

3. It is, therefore, reiterated that while making ad hoc appointments against posts falling within the purview of the Federal Public Service Commission, a requisition should be placed on the Commission immediately and in any case not later than two months from the date of filling the post on ad hoc basis. All proposals relating to ad hoc appointments and their further continuance should, in future be accompanied by a copy of the requisition sent to the Commission as far as possible, otherwise the Establishment Division may not consider such proposals.

[Authority.- Estt. Division O.M.No.2/9/76-D-IIl, dated 4-6-1976]. SI. No. 84

It has come to the notice of the Establishment Division that the requirement of placing requisition with the Commission has not been observed in many cases with the result that the ad hoc appointments have continued for unduly prolonged periods. It has therefore, been decided that in future no proposal for ad hoc appointment should be

made by Ministry/Division/Department without simultaneously placing a requisition for recruitment to the post with the Commission. In the summary submitted for obtaining approval of the competent authority for making ad hoc appointment, it should be mentioned that a requisition with the Commission has been placed. Unless this is done, it will be difficult for the Establishment Division to support and process the proposal of the Ministries etc. for ad hoc appointment.

[Authority.- Estt. Division d.o.letter No.9/2/74-D.V., dated 8-6-1977]. SI. No. 85

Duration of ad hoc appointment.- Instructions were issued vide Establishment Division's d.o. letter No. 9/2/74-DV, dated the 8th June, 1977, to the effect that no proposal for ad hoc appointment to a post falling within the purview of the F.P.S.C. should be made without simultaneously placing a requisition for recruitment with the Public Service Commission.

2. Cases, however, continue to come to notice where either the requisitions were placed very belatedly with the F.P.S.C. or the matter was not pursued with the Commission, with the result that ad hoc appointments

have continued for unduly long periods of time. In order to reduce the period of ad hoc appointments to the absolute minimum, it has been decided that:-

(i) Omitted

(ii) In future, when a post is advertised by a Ministry or Division for the purpose of ad hoc recruitment, a requisition to fill the post should simultaneously be placed with the Commission. No proposal for ad hoc recruitment will be approved by the Establishment Division unless the summary on the subject clearly states that a requisition to fill up the post on regular basis has been placed with the Commission, indicating also the date on which this was done. The maximum period for which an ad hoc appointment will be allowed to continue would be one year including the period of extension.

3. You are requested to ensure compliance with the above

instructions. The Federal Public Service Commission are also being requested to ensure that recruitment action is completed expeditiously and that in no case should the time taken for this purpose extend beyond one year of the date on which a requisition to fill up the post is placed with the Commission.

[Authority.- Establishment Secretary's d.o.letter No.2/7/77-D.Ill, dated 15-10-1977]. SI. No. 86

Reference Establishment Division's Office Memorandum No. 2/9/76-D. Ill, dated 14th March, 1981 (SI.No.62), it is stated that the instructions contained therein for making appointment to posts on ad hoc basis and seeking extensions thereto are not being complied with faithfully. | These instructions clearly provide for making ad hoc appointment for a period not exceeding six months with the approval of competent authority as laid down under rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, as amended. The first extension beyond the initial period of ad hoc appointment is required to be given after obtaining approval of the FPSC. As such, the approval of the competent authority for this extension is not required. Subsequent extensions for periods not exceeding six months in the ad hoc appointment shall not require concurrence of the FPSC but approval of competent authority shall in any case be _ obtained. All the Ministries/Divisions are requested to bring these instructions to the notice of all the departments/organizations under their administrative control for compliance.

[Authority.-Estt. Division O.M.No. 10/8/86-R.2, dated 15-12-1986]. Adhoc Appointment SI.No. 86-A:

The undersigned is directed to refer to Establishment Division O.M. of even number dated 22™ January, 2000 wherein the period of ad-hoc appointments was extended upto 30.6.2000 or till the availability of FRSC nominees, whichever is earlier, and to say that recent amendments in the FPSC (Functions) Rules notified vide SRO/123(1)/2000 dated 15.3.2000 and the Civil Servants (Appointment, Promotion and Transfer) Rules,

1973 notified vide SRO No.122(1)/2000 dated 15.3.2000 do not contain any provision for extension of ad-hoc appointment. No. ad-hoc appointment can, therefore, be allowed to be extended beyond the period notified under the aforesaid O.M. of 22" January, 2000.

2. In order to provide ad-hoc appointees, whose period of ad-hoc appointment stood terminated after the last extension on aforesaid, an opportunity to appear before the FPSC in line with the policy decision circulated vide para 1(11) of Establishment Division letter No.2/3/94-CP.5, dated 21*' October, 1997, the upper age limit fixed in the relevant recruitment rules of a post may be refixed/enhanced in consultation with the Establishment Division and the FPSC if such persons are found to be average to apply to the FPSC even after availing 15 years age relaxation admissible under SRO No.1079(1)/93 dated 4.11.1993 and SRO No. 586(1)/99 dated 18.5.1999.

[Authority.- Establishment Division’s O.M.No.2/3/94-CP.5, dated 8.9.2000]. SI. No. 87

Quarterly returns of ad hoc appointments to the posts falling within the purview of the Federal Public Service Commission.- On re-consideration of the matter it has been decided to withdraw the instructions contained in sub-para 2(l) of the d.o. letter of even number, dated the 15th October, 1977.

2. It has been decided that in order to have an up-to-date information about the ad hoc appointments in the Ministries/ Divisions a quarterly return in the proforma (Annexure) may be submitted to Establishment

Division. The first return pertaining to the quarter ending 3ist March 1978 should reach this Division by 10th April, 1978. Subsequent returns may be submitted by the 10th of the month following the end of each quarter.

[Authority.- Establishment Secretary's d.o. letter No.2/7/77-D.IIl, dated 22-2-1978].

ANNEXURE (Establishment Secretary's D.O.Letter No. 2/7/77-Dill, dated the 22nd February, 1978) QUARTERLY RETURN SHOWING LIST OF AD-HOC APPOINTMENTS IN THE MINISTRIES/DIVISIONS/DEPARTMENTS

Name of Ministry/Division/Department...............:c:cccceceeeeeeeeeeecteeeeeee ee eee eeeeee ene eed For the quarter ending

Name of Name of posts Date of ad hoc Date of Whether ad hoc Date of termination of ad | Remarks ad hoc with grade appointment sending appointment/extension of hoc appointment appointee requisition to appointment approved by

FPSC/Estt.

Division

SI. No. 88

Quarterly return of ad hoc appointments to the posts falling within the purview of the FPSC (from 1-1-78 to 31-3-78).-Reference d.o. No. 2/7/77-D. Ill, dated 2nd February, 1978. Quarterly returns as required were to be submitted in a consolidated form in respect of each Ministry/Division whereas this Division has been receiving statements in piece meal direct from the subordinate offices/ organizations of the Ministries/ Divisions.

2. The Ministries/Divisions are, therefore, requested to submit a consolidated quarterly return of ad hoc appointments in respect of all the offices/ organizations under them in future to DS (R. III) in Establishment Division.

[Authority.- Estt. Division O.M. No. 2/7/77-D. Ill, dated 20-4-1978]. SI. No. 89

Submission of summaries regarding ad hoc appointments.- |In the appendix to the Establishment Division d.o. letter No. 4/20/74-A.IV, dated the 29th June 1976 (SI.No.112) detailed procedure governing the submission of cases of ad hoc appointments has been outlined. It has, however, been noticed that proposals for ad hoc appointments, which have considerably increased of late, are not submitted in accordance with the instructions laid down therein. Ad hoc appointments are to be made only in cases of extreme urgency. But non-adherence to the prescribed procedure leads to delay in their finalization. It is, therefore, reiterated that -

(i) the advice of ad hoc appointment should be resorted to only in cases of genuine urgency,

(ii) the post should be widely advertised/circulated,

(iil) regional/provincial quotas should be strictly observed,

(iv) particulars of all the applicants should be sent alongwith detailed reasons why the person recommended has been selected.

2. Cases where the above procedure has not been followed will have to be returned to the Ministries un-disposed of.

[Authority.- Estt.Division d.o.letter No.4/20/74-A.IV, dated 9-4-1977]. SI. No. 90

Seniority of ad hoc appointees for purposes of reversion or termination of services on availability of regular appointees.- No rules or instructions regarding determination of the seniority of ad hoc appointees have so far been issued. This is due to the fact that ad hoc service does not reckon for purposes of seniority when the ad hoc appointment is later on converted to regular appointment. Instructions have also been issued in

Establishment Division's O.M. No. 3/29/70-D. III. dated the 7th January, 1971 (Annexure), that ad hoc appointees should not be promoted to a higher grade. The question of determination of the seniority of the ad hoc appointees for purposes of promotion, therefore, does not arise. However, sometimes the question which does arise is as to which one of the several ad hoc appointees should be reverted when the F.P.S.C. qualified candidates become available. It has been decided that revision should be made in the reverse order of ad hoc appointment. However, when the date of ad hoc appointment of more than one officer is one and the same, the reversion should be made in the reverse order of the seniority in the lower grade if available, otherwise the younger in age should revert first. Reversion for the purposes of this O.M., includes termination of service where the ad hoc appointee was recruited directly from outside.

[Authority.- Estt. Division O.M.No.1(8)/72-D.Il, dated 4-5-1972]. ANNEXURE

Extract from Establishment Division O.M.No.3/29/70- D.III, dated the 7th January, 1971.

The following further instructions are issued for regulation of ad hoc appointments:-

(i) Persons appointed on ad hoc basis should possess the required qualifications and experience prescribed for posts;

(it) Persons appointed on ad hoc basis should not be

promoted to higher posts. SI. No. 91

Recruitment of ad hoc Appointments made between October, 1981 to December, 1990.- The issue of regularization of ad hoc appointments made between October, 1981 to December, 1990 have remained under active consideration of the Government from time to time. The Prime Minister was pleased to appoint a special Committee under the chairmanship of Secretary Law Justice and Parliamentary Affairs.

2. The Committee after an indepth discussion of the issue in the light of Supreme Court's judgement in case No. 104 of 1992 recommended the following course of action as the most appropriate manner in which the Honourable Court's judgement is implemented while ensuring simultaneously that human aspect of the problem gets taken care to the maximum possible extent:

i) Cases of ad hoc appointees who were fully qualified and recruited after properly following the prescribed procedures including invitation of applications through advertisement and observance of provincial quotas. It was agreed that such cases may be referred to the FPSC for confirmation.

il) In cases where the prescribed procedures in terms of qualifications, observance of provincial quotas and invitation of applications through advertisement etc were not observed while making the recruitment, it will be necessary for such appointees to appear alongwith fresh

candidates before the FPSC for selection. To enable such ad hoc appointees to appear before the FPSC as they may have crossed the prescribed maximum age limit for a particular post, it was agreed that appropriate age relaxation may be allowed through an amendment in the relevant SRO.

3. The recommendations of the Committee have been approved by the Prime Minister.

4. The FPSC may process the cases of ad hoc appointees for regularization of their appointments accordingly.

[Authority.- Estt. Division d.o. letter No.2/3/94-CP.5, dated 29-6-1994].

Recruitment otherwise than through the Federal Public Service Commission

SI. No. 92

General procedure for posts in BPS 1 to 15.- As for recruitment to posts in BPS 1 to 15 which have been excluded from the purview of the Commission and for promotions and transfers to all Grades which too are outside the scope of the Commission, another set of rules called the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, has been issued. The main features of these rules are:-

(1) All posts for initial recruitment whether to be filled on ad hoc or regular basis should be advertised by the Ministries/ Divisions or Departments concerned, except posts in BPS 1 and 2 which may be filled by reporting vacancies to the local Employment Exchange.

(2) Proper Selection and Promotion Committees be constituted to examine cases of all eligible persons and make recommendations. The composition of the Committees will be determined by the Ministries/Divisions

concerned in consultation with the Establishment Division.

(3) Minimum qualifications and experience be prescribed for in all cases and no relaxation be allowed in cases of ad hoc appointment.

(4) The appointing authority, where it does not accept the recommendation of the Selection or Promotion Committee, would record reasons for non-acceptance and obtain orders of the next higher authority.

[Authority.- Para 5 of the Establishment Secretary's d.o. letter No.1/9/73-F.IV, dated 22-10-1973].

SI. No. 93

According to rule 15 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, recruitment to posts in BPS-3 to 15 in offices which serve only a particular province or region is to be made from persons domiciled in that particular province or region. It has been observed that while making recruitment in the regional office rule-15 is not strictly observed. The Ministries/Divisions are, therefore, requested to identify the regional offices of their attached departments which serve only a particular province or region and ensure the enforcement of rule-15 while making recruitment to posts in BPS-3 to 15 in these offices.

2. Ministries/Divisions and Attached Departments should also monitor the implementation of these instructions.

[Authority.- Estt. Division O.M.No. 5/4/83-R.2, dated 19-11-1984 and O.M. of even number dated 10-4-1986.]

Advertisement of Federal Government posts in the Regional/Provincial press

SI. No. 94

The Prime Minister has been pleased to direct that advertisements

for recruitment to Federal Government posts should be published in the Regional/Provincial news papers also in addition to the national press.

2. All Ministries/Divisions are, therefore, requested to take necessary action accordingly and also to issue instructions to the organizations under their control for taking similar steps in this regard.

[Authority.- Estt. Division O.M. No. 46/2/85-R-5 dated 10-10-1985].

Procedure for making recruitment from abroad

SI. No. 95

The question of the procedure which should be adopted when it becomes necessary to resort to recruitment from abroad to civil posts under the Central Government has been engaging the attention of the Establishment Division for some time. It has now been decided by the Government of Pakistan that recruitment from abroad should be made in the manner indicated in the following paragraphs.

2. If a Ministry considers that it is necessary to make recruitment to civil posts from abroad, it should make a reference to the Federal Public Service Commission, asking them to agree to such recruitment and if they agree, to proceed without delay to take all the steps necessary to make such recruitment. The Federal Public Service Commission will themselves advertise the post or posts abroad and make necessary arrangements for the candidates to be interviewed by Special Selection Committee. Thereafter, the Federal Public Service

Commission will make recommendations for the filling of the post or posts in question. In no case should the Ministry itself take steps to advertise the post.

3. There may, however, be exceptional cases in which the Ministries concerned are of the view that recruitment from abroad through the Federal Public Service Commission will prove infructuous, e.g., in the case of appointments to highly technical posts or other posts of considerable importance in connection with which persons of high

standing abroad are not likely to respond to advertisements and appear for interviews. In such cases, which should be very rare, the prior approval of the Prime Minister will be necessary for recruitment to be made by the Ministry concerned without the assistance of the Federal Public Service Commission. The procedure to be adopted in such cases will be that the matter should be referred to the Establishment Division so that the orders of the Prime Minister can be obtained. Such reference to the Establishment Division should be made only after the Federal Public Service Commission have first agreed to recruitment to the post in question being made from abroad, and it should be accompanied by a Summary for the Prime Minister, explaining why it is necessary for recruitment to be made otherwise than through the Federal Public Service Commission and showing what steps the Ministry have in mind for filling

the post or posts in question. [Authority.- Estt. Division O.M.No.11/18/49-SE-II, dated 17-1-1951].

PROBATION

"Probationer" definition

S.R.2 (15)- Probationer means a Government servant employed on probation in or against a substantive vacancy in the cadre ofa department.

Probationary period to be judiciously fixed

SI. No. 96

Where the appointment is on probation, this should be clearly stated in the order, alongwith the probationary period in clear terms. This period will vary according to the nature of the posts, and should be judiciously fixed, but once fixed, it should be rigidly adhered to. In other words, the question whether the probationer's services are to be terminated, or his period of probation is to be extended in accordance with the order of appointment, or he is to be confirmed in his appointment should be examined and decided sufficiently in advance of the completion of the current period of probation. This will avoid creating false impression that, if the period of probation is completed without any orders being passed, the probationer's service must necessarily have been accepted as satisfactory and justifying confirmation. (assis omit.....). The retention of such persons on probation after the completion of the maximum term of probation provided in the appointment order is most undesirable, and will be tolerated only in the most exceptional circumstances, e.g., where it is absolutely essential to keep the post filled and a substitute is not available.

[Authority.- Para 4 of Estt. Division O.M. No.13/10/49-Est.(SE), dated 10-11-1949].

Termination of Probation

SI. No. 97

All the Ministries/Divisions are requested to inform all Officers that an

Average Report though sufficient for retention in Government service does not qualify an Officer for promotion to the next Grade.

[Authority.- Estt. Division O.M.No.9/6/78-C.|II(P), dated 3-1-1979 may also be read with Estt. Division O.M.No.9/6/79-C.III(B), dated 22-2-1979.

SI. No. 98

Bar against waiving of the probationary period.- Under the instructions contained in the Establishment Division Office Memorandum No. 54/8/49-Ests (ME), dated the 8th January, 1951, Assistants, etc., nominated on the results of the Ministerial Services Examination conducted by the Central Public Service Commission against permanent and quasi-permanent vacancies are required to be placed on probation for one year before they can be considered for confirmation. However, the appointing authority has the discretion of extending the said period of probation or terminating it before one year, for good and sufficient reasons which should be recorded in writing. The Establishment Division have further held that the probationary period can be curtailed by the competent authority at his discretion, but it cannot be waived altogether.

2. It has been brought to the notice of the Establishment Division and this Ministry that in certain cases Ministries have not placed on probation the Assistants nominated on a regular basis as required in the Establishment Division Office Memorandum referred to in para 1 above, but have allowed them to count their previous service towards probation in accordance with para (I) (b) of this Ministry Office Memorandum No. F. 5 (72)-R. IlI/52, dated the 15th April, 1953. This virtually means the waiving altogether of the probationary period which is contrary to the instructions issued by the Establishment Division.

3. In order to remove the above anomaly, it has been decided that for the words "count towards probation to the extent of one year" occurring in para (I) (b) of this Ministry's Office Memorandum referred to in para 2 above, the words "be taken into account for the purpose of fixation of pay", shall be substituted. The effect of above amendment is that the previous service as

Clerk on a pay not less than Rs. 100 p.m. would be counted for the purpose of fixation of pay, but this would not affect the question of actual probation which will be, governed by the orders of the Establishment Division.

[Authority.- Finance Division O.M.No.F.2(3)-R.II(I)/57, dated 28-2-1957].

Civil Servants (Confirmation) Rules, 1993

SI. No. 99 In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the

following rules, namely:-

1. Short title, Commencement and application.- (1) These Rules, may be called the Civil Servants (Confirmation) Rules, 1993.

(2) They shall come into force at once. (3) They shall apply to all civil servants.

2. Definitions.- In these Rules, unless there is anything repugnant in the subject or context,

(a) "Foreign Service" means service in which a civil servant receives his pay with the sanction of Government from any source other than the Federal Consolidated Fund; and

(b) "lien" means the title of a civil servant to hold substantively a post on which he has been confirmed.

3. General Principles of confirmation.- (1) A civil servant initially

appointed to a post, on probation including a civil servant promoted or appointed to a post on transfer, shall on satisfactory completion of his probation, be eligible for confirmation in that post:

Provided that the confirmation shall be made only against a permanent post:

Provided further that two or more civil servants shall not be confirmed in the same post and at the same time or in a post on which another civil servant holds a lien:

Provided also that a civil servant shall not be confirmed on two or more posts at the same time.

(2) A civil servant shall be considered for confirmation strictly in order of his seniority.

(3) No confirmation shall be made against the post vacated on dismissal, removal or compulsory retirement of a civil servant until his appeal against such dismissal or, as the case may be, removal or retirement is finally decided.

4. The confirmation shall be made on the recommendations of the Confirmation Committee constituted for the purpose and with the approval of the authorities specified below:-

Posts Composition of the Committees Confirming Remarks authorities 1 2 3 4 Posts in BPS- Secretary of the Administrative Ministry or an Prime Minister

20 and above authority controlling the Service/Cadre/Post as Chairman, Additional Secretary or a Joint Secretary where there is no Additional Secretary in the Ministry concerned, and Addl. Secretary Estt. Division as Members. If posts are in an Attached Department or Subordinate Office, the Head of the Attached Department or Head of Office, who controls the particular Service/Cadre/Post may be appointed as Co-opted Member.

Posts in BPS- Additional Secretary or Joint Secretary where Secretary of the

17 to 19

Posts in BPS- 11 to 16

Posts in BPS- 10 and below:

Posts

there is no Additional Secretary in the Administrative Ministry controlling the service/cadre/ post as Chairman, and a Joint Secretary and a Senior Deputy Secretary of the Ministry concerned as Members. If posts are in an Attached Department or a Subordinate Office, the head of the Attached Department or Head of Office who controls the particular service/cadre/post may be appointed as Co-opted Member.

FOR POST IN BPS-3 TO 16

“An Officer holding the post in BPS-20 as Chairman and two officers holding the post in BPS-19 as Members.

“An Officer in BPS-19 as Chairman and two Officers in BPS-18 as Members.

Composition of the Committees

2

Administrative Ministry/Division who controls the particular service/ cadre/post.

Secretary of the Ministry/ Division concerned or Head of Department provided he is holding

the post in BPS- 20 or above.

Confirming authorities 3

‘The Administrative Ministry will constitute separate committees for posts in the Ministries/ Divisions and Attached Department/ Subordinate Offices.

Remarks

4

FOR POSTS IN BPS-1 TO 2

Dy. Secretary of

the Ministry/ Division concerned or

Head of Deptt. or Head of Office provided he_ is holding the post in BPS-19 or above.

*[Provided that in case no post of Joint Secretary or Deputy Secretary exists or the number of such officers in less than the required number in the administrative Ministry or Division for the constitution of the Confirmation Committee, other officers of BPS-20 and BPS-19 in the concerned Ministry or Division may be included in the Committee:

Provided further that in case there is no post in BPS-20 and BPS-19, officer of one-step below status in the concerned Ministry of Division may be included in the Confirmation Committee with the approval of Establishment Division].

5. Acquiring of lien.- (1) On confirmation in a permanent post, a civil servant shall acquire a lien in that post and shall retain it during the period when he -

(a) holds a temporary post other than a post in a service or cadre against which he was originally appointed;

(b) holds a post on deputation with a foreign government, an international organisation, a multinational corporation or any other organisation outside Pakistan;

(c) holds a post in Foreign Service in Pakistan; (d) is on leave; (e) is called for duty in the Armed Forces as reservist of Armed

Forces of Pakistan;

(f) is under suspension; and

*Added by SRO No.104(I)/97, dated 4.2.1997. (g) is On joining time on transfer to another post.

(2) A civil servant acquiring lien as referred in sub-rule (1), shall cease to hold lien acquired previously on any other post.

6. Termination of lien.- (1) The lien of a civil servant who is reduced in rank or reverted to a lower post as a consequence of action taken against him under the Government Servants (Efficiency and Discipline) Rules, 1973, shall be terminated against the post from which he is reduced in rank or, as the case may be, reverted to a lower post:

Provided that such civil servant shall acquire a lien against the lower post.

(2) A civil servant shall cease to hold lien against a post if he takes up an appointment on selection in an autonomous body under the control of Federal Government, Provincial Government, local authority or private organisation.

(3) Notwithstanding the consent of a civil servant, his lien on a post under the Federal Government shall not be terminated until he acquires lien on any other post.

(4) A confirmed civil servant who, of his own accord, joins some other service, post or cadre on regular basis shall have, after being selected through a regular selection process, the right of reversion to the previous post against which he shall hold lien only during the period of his probation on his new service, post or cadre.

7. Repeal.- All existing orders and _ instructions relating to confirmation of civil servants issued from time to time are hereby repealed.

[Authority.- Estt. Division Notification No. S.R.O. 285(1)/93, dated 15-4-1993].

SECTION B

APPOINTMENTS SI. No. 100

Appointing Authorities in respect of posts in BPS-1 to 11 in the Northern Areas.- In exercise of the powers conferred by the first proviso to rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the President is pleased to designate all the Heads of Departments in BPS-18 and above in the Northern Areas as appointing authority in respect of posts in BPS 1 to 11 in the Northern Areas.

[Authority.- Estt. Division Notification No. S.R.O. 376(I)/88, dated 29-5-1988]. SL. No. 101

The appointing authorities for various Pay Scales are specified in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. The appointing authority for BPS 20 and above is the '[Prime Minister]. All cases for appointment to these scales, after they have been cleared by the respective Selection Board or Selection Committee, or on receipt of nomination by the F.P.S.C. where recruitment is required to be made through the Commission, shall be forwarded to the Establishment Division together with relevant record for obtaining the orders of the [Prime Minister].

[Authority.- Para 7 of Estt. Secretary's d.o. letter No.1/9/73-F.4, dated 22-10-1973].

Appointments/promotions or transfers to posts in BPS 18 with Special Pay

SI. No. 102

Clarification.- The proviso to rule 7 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 requiring that posts in BPS 18 which carry a special pay would also be referred to the Central Selection Board if proposed to be filled by promotion or transfer, has since been deleted vide Establishment Division's Notification No. S.R.O. 146(1)/84,

dated 9th February, 1984. It is clarified that all cases in which a

Note.- The word "Grade' stands substituted with the word ~BPS' with the introduction of Scheme of Basic Pay Scales and Fringe Benefits of civil employees of the Federal Government (1983) and vide Estt. Division Notification No. S.R.O. 146(1)/84, dated 9-2-1984.

"Subs vide Estt. Division Notification No.S.R.O.1022(1)/85, dated 14-10-1985 for

the word "President".

post in Basic Pay Scale 18 carrying some special pay is filled by promotion will be placed before the appropriate departmental promotion committee. Where a post in Pay Scale 18 carrying a special pay does not fall in the promotion ladder, it would be filled by departmental heads through normal posting and transfer.

[Authority.- Estt. Division O.M.No.3/6/84-R.2 dated 3-7-1984]. SL. No. 103

Re-appointment to Grade 17 or above posts.-It appears that some doubt still exist in some quarters about the procedure to be followed in the following cases:-

(a) In case of re-appointment to a post in Grade 17 or above of an officer whose "first appointment" to a post in Grade 17 or above was made with the approval of the President/Prime Minister.

(b) In case of appointment to hold full charge of a post in Grade 17 or above, of an officer who had already been holding current charge of the post.

2. The approval of the President/Prime Minister is not necessary for re-appointment of an officer to a post in Grade 17 or above whose earlier appointment to that post was made with the approval of the President/ Prime Minister and who was subsequently reverted from that post due to no fault of his own. However, where reversion was made as a result of some disciplinary action, fresh approval of the President/Prime Minister would be necessary if the officer is subsequently re-promoted to a post in Grade 17 or above.

3. When an officer is appointed to hold current charge of a post in Grade 17 or above with the approval of the President/ Prime Minister, similar

approval of the President/Prime Minister is required when the same officer is appointed to hold full charge of the post.

[Authority.- Estt. Division O.M.No.10/2/64-D.1, dated 13-8-1964, as amended vide 0.M. No.3/20/70-D. III, dated 16-9-1970].

SI. No. 104

In continuation of the instructions issued in the Establishment Division Office Memorandum No. 3/20/70-D Ill, dated the 16th September, 1970, it has been decided that if the re-appointment of an officer to a post in Grade 17 and above took place after more than one year of the reversion from that post, the case should be placed before the Central Selection Board for determining the continued fitness of the officer to hold a post in Grade 17 or above. After the approval of the Central Selection Board, it would not be necessary to refer the case to the President/ Prime Minister again.

[Authority.- Estt. Division O.M.No.3/20/70-D. III, dated 16-9-1971]. SI. No. 105

Appointment of Secretaries to Government.- Appointment of Secretaries/Acting Secretaries to the Government are made on the recommendation of the Ministers concerned with the approval of the President. There are, however, standing instructions on the subject as contained in the Establishment Division Office Memorandum No. 33 (3)/54-SEI, dated the 29th September, 1954.

2. In terms of the Office Memorandum mentioned above, before any appointment of Secretary/Acting Secretary is decided upon, the Establishment Division should be required to submit a factual note about possible candidates, covering such matters as service, eligibility, tenure, etc., together with their Character Rolls. In practice, however, Ministers tend to make these appointments without consulting the Establishment Division. The President has, therefore, been pleased to observe that it is very necessary to follow the procedure laid down in this respect. | am, therefore, to request you kindly to bring this point to the notice of your Minister.

[Authority.- Estt. Secretary's d.o. letter No.26(10)/63-Al, dated 31-8-1963].

Manner of submission of cases to the Establishment Minister

SI. No. 106

The summaries for the Establishment Minister received from the Ministries/Divisions are found deficient in many respects and do not always contain all the relevant information which has, therefore, to be obtained formally or informally resulting in delays and loss of time. It is, therefore, requested that Summaries for the Establishment Minister or papers for Central Selection Board seeking approval to an appointment by promotion, direct recruitment, transfer or re-employment, etc. may kindly be prepared in the following manner:-

(i) The subject should be stated in concise and self-explanatory manner.

(il) The Summary should begin by indicating the number of vacancies and how they have arisen.

(iil) It should then state how these vacancies have to be filled in under the relevant Recruitment Rules /.e. whether they are to be filled directly, by promotion or by transfer etc. If they are to be filled directly the regional/ provincial quota to which they belong may be specifically indicated.

(iv) In any case, the qualifications and conditions of eligibility for appointment prescribed in the Recruitment Rules should be stated either in the Summary or in the Annexure thereto. If necessary a copy of the Recruitment Rules may be enclosed.

(v) The Summary must also indicate the action taken to fill the vacancy viz. whether the post has been notified to F.P.S.C. or directly advertised for ad hoc appointment etc. and whether F.P.S.C./ Departmental Selection Committee have recommended any candidate. In the case of promotions the fact that D.P.C. or the C.S.B., as the case may be, has approved the promotion should be stated alongwith the minutes.

(vi) Full information as to qualifications, experience etc. of candidates recommended for appointment/ promotion/ transfer should be given alongwith clear indication of their place in the seniority list. The candidate's domicile should be precisely stated. Where proposed promotion would involve supersession, detailed justification thereto may be given alongwith names etc. of all the eligible candidates and their C.Rs in order of seniority including those who are proposed to be passed over. Otherwise a clear certificate may be given that no supersession is involved.

2. It is requested that the Summaries may please be typed in double space on Summary paper and henceforth two copies of each Summary (alongwith enclosures) should be invariably sent to the Establishment Division so that the original is returned with the orders of the Establishment Minister and the duplicate retained in the Establishment Division for record.

3. In case the Summaries are not received in the above mentioned manner, the same may have to be returned causing delay in according necessary approval.

[Authority.- Estt. Secretary's d.o., letter No.4/20/74-A IV, dated 11-12-1974]. SI. No. 107

It has been observed that proposals received from the Ministries/Divisions for appointment to posts in BPS 17 and above on the recommendations of the FPSC are not complete in all respects. Establishment Division has to make back references for getting the missing information/documents which entails avoidable delays in disposal of such cases. It is, therefore, essential that the following information/documents may invariably be enclosed with summaries sent to the Establishment Division:-

(i) Original letter of FRSC recommending the candidates for the posts.

(ii) Application Forms of the candidates.

(iti) Complete C.R. dossiers of the candidates already in Government service.

(iv) A statement showing how the provincial/regional quotas are being observed.

(v) A copy of the recruitment rules.

2. Summaries which do not meet the above requirements will be returned to the sponsoring Ministry.

[Authority.- Estt. Secretary's d.o. letter No.1/3/80-A.III, dated 2-8-1980]. SI. No. 108

Check list of information/ material in cases to be submitted to the Establishment Minister.- In order to facilitate proper submission of summaries by the Ministries/Divisions a complete check list of information/material to be incorporated in or attached to the summaries in respect of cases requiring the approval of the Establishment Minister is enclosed as Appendix. It is requested that in future it may kindly he ensured that this information/ material is invariably incorporated in/or furnished with the summaries. Otherwise the summaries will not be processed in this Division and will be returned to the Ministries/Divisions.

[Authority.- Special Secretary (Estt.) d.o. letter No.4/20/74-A.IV, dated 29-6-1976]. APPENDIX

CHECK LIST FOR SUBMISSION OF SUMMARIES FOR THE ESTABLISHMENT MINISTER

A. GENERAL INSTRUCTIONS:

(i) The summary is to be typed in double space.

(i) Two copies of each summary (alongwith enclosures) are to be sent to the Establishment Division.

(iit) The summary should contain specific recommendation of the Minister incharge about the proposal made in it.

(iv) The number of vacancies and how they have arisen.

(v) A copy of the recruitment rules approved by the Establishment Division. Otherwise, a copy of the draft recruitment rules or method of recruitment, qualifications and experience determined for the post(s) in consultation with the Establishment Division.

(vi) Number of sanctioned posts; their distribution into promotion, direct recruitment and transfer quotas. Complete list of officers holding promotion posts. List of officers holding merit quota posts and regional distribution of posts reserved for direct recruitment alongwith the names and domicile of the incumbents holding these posts.

B. APPOINTMENTS BY PROMOTION:

(i) A copy of the minutes of the meeting of the Departmental Promotion Committee.

(it) An authenticated copy of the seniority list. (iii) Full justification for supersession, if any.

(iv) Up-to-date C.R. dossiers of the officers recommended for promotion or supersession.

(v) An abstract of the performance evaluation reports for the last five years in respect of officers recommended for promotion, supersession or to be ignored being on deputation etc. in the proforma as per Annexure I, "C" and "D" entries to be written in red ink.

(vi) An abstract of the major personal traits for the last five years of

officers recommended for promotion or supersession vide proforma as per Annexure Il, "C" and "D" entries to be written in red ink.

(vii) If an officer recommended for promotion is on deputation with an organization under the Federal or Provincial Governments or autonomous/semi-autonomous organization, Foreign Government or an international organization, it may be clearly stated if the deputation is in the interest of public service or not.

(viii) If the officer recommended for promotion is on deputation from another organization a copy of the written consent of that organization to his promotion is to be furnished to the Establishment Division.

(ix) A certificate that the officers recommended for promotion in a particular grade possess the required length of service in the lower grade as laid down in the Establishment Division O.M. No. 1/9/80-R. 2 dated 2nd June, 1983.

(x) In case of promotion to Grade 19 and above, a copy of the minutes of the meeting of the Central Selection Board together with C.R. dossiers of the officers recommended for promotion.

C. AD HOC APPOINTMENTS:

(i) Regional quotas to which the vacancies fall.

(i) Whether the posts were advertised in the Press? If so, a copy of such advertisement to be attached.

(iii) Whether the vacancies have been notified to the FPSC for making regular recruitment against them? If so, a copy of the requisition placed with the FPSC is to be attached.

(iv) Full particulars of the candidates tested/interviewed together with their assessment by the Selection Committee.

(v) A copy of the minutes of the meeting of the Selection Committee.

(vi) Bio-data of the candidates recommended.

(vii) Up-to-date C. R. dossier of the candidate being recommended for ad hoc appointment, if he or she has served in an organization under the Federal or Provincial Government.

(viii) In case of extension in the period of ad hoc appointment of an officer confidential report on his performance for previous period(s) should be attached.

D. APPOINTMENT THROUGH THE FPSC:

(i) Nomination letter from the FPSC.

(ii) Advertisement issued by the FPSC.

(iit) Regional quota to which the vacancy is allocable.

(iv) Up-to-date ACR dossier of the candidate selected by the FPSC, if he or she is/was in Government service.

(v) Bio-data of the selected candidates or their applications addressed to the FPSC.

E. APPOINTMENT BY TRANSFER:

(i) A certificate that the candidate recommended is_ holding equivalent post on regular basis in his parent organization.

(ii) Up-to-date ACR dossier of the officer recommended for transfer. (iit) Whether the transfer is permissible under the recruitment rules?

(iv) Minutes of the meeting of the DPC/Selection Committee.

F. APPOINTMENT BY RE-EMPLOYMENT:

(i) A copy of the minutes of the meeting of the Central Selection Board.

(i) _Bio-data of the candidate recommended for re-employment including age and educational qualifications.

(iii) Up-to-date ACR dossier of the officer recommended for re- employment.

ANNEXURE | (Specimen) COMPARATIVE PERFORMANCE EVALUATION ANALYSIS IN RESPECT OF BEING CONSIDERED FOR PROMOTION TO GRADE(S)

page 196 and 197 (1989 edition) Annexure | and II to be scanned.

page 196 and 197 (1989 edition) Annexure | and II to be scanned.

Mode of notifying Appointments, Promotions etc., after introduction the scheme of Basic Pay Scales

SI. No. 109

Reference is invited to the Finance Division O.M. No.1(I)-lmp/83, dated 18th August, 1983 laying down a scheme of basic pay scales and fringe benefits for the civil employees of the Federal Government as shown in the schedule to that O.M. It is laid down in the aforesaid O.M. that basic scales shall not be regarded as grades' and shall not be referred to as ‘grades’ in official communications and that the officials shall henceforth be appointed/promoted to posts and not in grades.

2. In pursuance of the aforesaid decisions, necessary amendments to the Civil Servants Act, 1973 and the rules made thereunder have been carried out replacing reference to ‘grades’ by corresponding basic pay scales.

3. It is requested that in future all the notifications and orders relating to initial appointment, appointment by promotion or by transfer and other appointment like ad hoc appointments should invariably mention appointments to posts and not to grades. A few specimen of the draft notifications are also enclosed for guidance. This form normally be used.

[Authority.- Estt. Division O.M. No. 3/11/83-R.2(Pt) dated 15-4-1984].

Draft 1 Promotion

No. GOVERNMENT OF PAKISTAN MINISTRY OF .... oueneaturere Division Islamabad, the ....

NOTIFICATION Miisssasiscodszcuezizeaseezedeteccsates is promoted .... to the post of ......0..... *promoted on officiating basis .... and is posted as..... in the Ministry/Division/Office of................ until further orders.

To

The Manager,

Printing Corporation of Pakistan Press (PCP), Islamabad.

Deputy Secretary to the Government of Pakistan

*To be used in cases of promotion in temporary vacancies like leave or deputation vacancies. Nature of the vacancy and the duration of promotion should be specified in the notification.

Draft-2 Initial Appointment

TO BE PUBLISHED IN PART-II OF THE GAZETTE OF PAKISTAN

No. GOVERNMENT OF PAKISTAN MINISTRY OF.........0

sivveaeveennni Division Islamabad, the ou...

NOTIFICATION

On selection by the Federal Public Service Commission, Mifvscccsdsadeasaccezscaaczscens is appointed AS Oo ....e in the Ministry/Division/Office of .... w.e.f the date he assumes charge of the post and until further orders.

2. He shall remain on probation for a period Of ....::cceeeeeeeee

Deputy Secretary to the Government of Pakistan

To

The Manager,

Printing Corporation of Pakistan Press, Islamabad

Draft 3 Appointment by Transfer

No.

GOVERNMENT OF PAKISTAN

NOTIFICATION

MIE castrate deh itt beets is appointed by transfer to the post Ole relesitec coh ge lbet: in the Ministry/Division/ Office of.......... and is posted as

Deputy Secretary to the Government of Pakistan

To

The Manager,

Printing Corporation of Pakistan Press, Islamabad

Draft 4 Acting Appointment

No. GOVERNMENT OF PAKISTAN MINISTRY OF .... bbracouneorie Division Islamabad, the....... NOTIFICATION Mb2caeaccaakad is appointed on acting charge basis to the post Of sssiecks in the Ministry/Division/Office of......... until further order and is posted as.......

Deputy Secretary to the Government of Pakistan To The Manager, Printing Corporation of Pakistan Press, Islamabad

Draft 5 Ad Hoc Appointment

No. GOVERNMENT OF PAKISTAN

Islamabad, the...... NOTIFICATION

MI oe eeseeeeeseeeeneeees is appointed on ad hoc basis ab...........44 in the Ministry/Division/Office Of... for a period not exceeding six months or till the availability of a nominee of the Federal Public Service Commission, whichever is earlier.

2. The appointment shall be terminable without notice on the appointment of a person selected by the Federal Public Service Commission.

Deputy Secretary to the Government of Pakistan. To The Manager, Printing Corporation of Pakistan Press, Islamabad SI. No. 110

Use of pay scale and name of the post in the Notification and summary.- Reference Establishment Division's circular O.M.No.3/11/83-R.2, dated the 15th April, 1984 (SI. No.113) vide which specimen of draft notifications relating to initial appointment, appointment by promotion etc. mentioning the appointments to posts and not to grades, were circulated. It has now been decided that, in future, in all the notifications, summaries and office notes, the name of the post and its pay scale may also be mentioned, where necessary.

[Authority.- Estt. Division O.M. No. 3/11/83-R. 2, dated 13-1-1985].

SI. No. 111

Continuance of the practice of notifying all appointments in BPS 16 or above in the Gazette.- The Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1973, give formal effect to the abolition of classes announced by the Prime Minister on 20th August, 1973. The classification of posts into gazetted and non-gazetted has also been abolished. However, the practice of notifying all appointments to Basic Pay Scales and above in the Gazette will continue to be followed.

[Authority.- Para 2 of Estt. Secretary's d.o. letter No.1/1/73-ARC, dated 10-11-1973]. SL. No. 112

Clarification regarding notifying of appointments of stenographers to senior scale (Basic Scale-16).- The appointments to the upgraded posts of Superintendents (BPS-16) in Attached Departments are permitted to be notified in the official Gazette.

[Authority.- Estt. Division O.M.No.11/57/80-F.II(B-16) dated 15-1-1984].

SI. No. 113

Under the Establishment Division's O.M. No. 14/6/73-D.1, dated the 24th October, 1973, as amended vide O.M. of even number dated the 8th August, 1974, 25% of the sanctioned posts of Stenographers were placed in NPS-14. Now the post of Stenographer carries Basic Scale 15 and 25 % of the sanctioned posts will carry Basic Scale-16 vide Annexure II to the Finance Division's O.M. No. F. 1(19-lmp/83) dated the 18th August, 1983 with effect from the ist July, 1983.

2. A question has arisen whether the event of appointment/ placement of a Stenographer in Basic Scale 16 is required to be notified in the Official Gazette or not. This issue has been examined in the Establishment Division. According to para-2 of the Finance Division's O. M. under reference, the basic scales which have replaced the Revised National Scales of Pay, will not be regarded as grades and will not be referred to as such in official communications. Further, officials will be appointed/ promoted to posts and not to grades. The Basic Scale 16 is a scale to be carried by a percentage of posts of Stenographer but there will be no new name new designation of the posts carrying that scale. These posts will still be known as posts of Stenographer (senior scale). Hence the placement of a Stenographer in Basic Scale 16 is not required to be notified. However, if a Stenographer is appointed/promoted as Private Secretary or Secretariat Superintendent, his appointment/promotion as such will be notified as these posts carry definite designation and stand placed in ‘Basic Scale 16.

[Authority.- Estt. Division O.M. No. 14/6/73-D.1(F.II) R. VI dated 8-10-1983]. SI. No. 114

Notifications in respect of Secretariat Appointments.- It has been decided that henceforth all notifications relating to appointments of Secretaries/Acting Secretaries shall be issued by the Establishment Division instead of the Ministries, as has been the practice so far. This course is necessary to avoid notifications being found legally or otherwise defective, as has been found to be the case in some instances. In order to enable this Division to issue the necessary notification, Ministries will send the file to the

Establishment Division after Prime Minister's Orders have been obtained regarding such appointments.

[Authority.- Establishment Secretary's d.o. letter No.26(19)/63-A. 1, dated 31-8-1963]. SI. No. 115

Notifications regarding postings, transfers etc.of officers of the status of Joint Secretary and above.- It has been noticed by the Establishment Division that Ministries/Divisions are not fully aware of the correct procedure with regard to obtaining orders for appointment to posts in the Ministries/Divisions and issue of notifications in respect of appointments to such posts. The correct procedure in this regard has, therefore, been explained in the following paragraphs.

*Note.- All posts of Private Secretary to Secretaries/Additional Secretaries have been upgraded from BPS 16 to BPS 17 w.e.f. 1-7-1983 vide Estt. Division O.M.No.9/2/74-E.1I(R6) dated 18-3-1986.

2. According to the existing instructions, appointments to the grade of Secretary, Additional Secretary, Acting Secretary and Joint Secretary fall under the purview of the High Level Selection Board while appointments to the posts of Deputy Secretary to the Government of Pakistan ‘[........] come within the scope of the Central Selection Board. The recommendation of the High Level Selection Board/Central Selection Board in respect of these officers have to be obtained by the Establishment Division. Thereafter, action is required to be taken in the following sequence:-

(i) Approval of the “President to the recommendation of the appropriate Selection Board.

(ii) (a) Decision in the Establishment Division in consultation with Ministries/Divisions to post an approved officer to a particular post, and

(b) submission of a summary to the President for his specific approval to such appointment.

(iii) Issue of notification by the Establishment Division making the actual appointment.

(iv) Issue of notification by the Ministries/Divisions concerned regarding assumption of charge of the particular post by the selected officer.

3. Action with regard to (i) and (iii) above is required to be taken by the Establishment Division alone. Approval of the President to the appointment of a particular officer to a particular post is at present taken by the Administrative Division in which the vacancy exists. This has led to some unforeseen and unhappy consequences, e.g., unwillingness of the Administrative Divisions to accept particular officers and allowing the officers to assume charge of their duties before a formal notification has been issued by the Establishment Division. In order to avoid such difficulties it has now been decided that approval of the President to all

Secretariat appointments would be taken by the Establishment Division, in consultation with the Ministries/Divisions.

*The word "Section Officer" omitted. ™ Note.- The Prime Minister is now the appointing authority for posts in BPS 20 and above vide rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

4. The next step would be to issue a further notification regarding assumption of charge of the particular post by the selected officer. This notification is to be issued by the Ministries/ Divisions concerned. It is, however, emphasised that assumption of charge by the selected officer cannot be from a date prior to but subsequent to the date of notification regarding his appointment by the Establishment Division. In no case can the selected officer assume charge from a date earlier than the date of notification issued by the Establishment Division.

[Authority.- Estt. Division O.M.No.22/25/68-Al, dated 23-1-1969].

SI. No. 116

In the Establishment Division O.M. No. 22/25/68-Al, dated the 23rd January, 1969, it was emphasised that the charge of a particular post could

be assumed by a Government servant, duly approved by the competent authority only from a date subsequent to the date on which the notification of his appointment was issued by the Establishment Division, and that in no case the Government servant could assume charge from a date either than the date of notification issued by the Establishment Division, unless specifically stated.

2. It has been noticed that the instructions referred to above have not been observed in a number of cases by the Ministries/ Divisions and, in some cases Government servants were allowed to assume charge of the posts to which they were appointed by the Establishment Division, with effect from dates either than the dates of the notifications of their appointments issued by the Establishment Division. In view of this, it is considered necessary to reiterate the position stated in para 1 above. The fact that vacancies were available in certain cases from back dates, is not relevant, and no Government servant can be allowed to assume charge of a higher post retrospectively only for that reason. Further, in order to regularise the position, it is requested that all such cases should be reviewed and relevant notifications, if any, which may have been issued by the Ministries/Divisions in contravention of the instructions referred to above, should be cancelled immediately, and revised notifications issued, under intimation to the Establishment Division.

[Authority.- Estt. Division O.M. No. 22/25/73-AV, dated 10-12-1973].

Current/additional charge and acting charge appointments

SI. No. 117

According to the existing instructions all appointments by promotion in higher posts are to be made through regular selection process /.e. with the approval of the Central Selection Board/ Departmental Promotion Committee and the authority competent to make appointment to the grade in which the vacancy exists. However, in those cases where a vacancy in a higher post occurs for less than two months and it is considered impossible

for good reasons to make arrangements for day to day work of that post to be carried on otherwise, the current charge of the duties of that post may be given temporarily, with the approval of the authority competent to make appointments to the said post, to the senior most officer in the cadre present at the place or in the organization where the vacancy may have occurred if he is otherwise fit and eligible for promotion.

2. Situations arise in various departments where higher posts have to be filled urgently for short periods independently of the normal promotion and appointment procedure which takes time. The matter has been considered in consultation with the Ministry of Finance. In order to overcome the difficulty, the President has been pleased to delegate the power to make current charge appointments as follows:-

(i) Secretaries/Additional Secretaries...........

(il) Heads of Attached Department not below grade 21 including

Chairman, FPSC and Chairman For Grade Federal Inspection Commission 17 to 20 in respect of their own

OfficerS...........0

(iti) Auditor General of Pakistan Pakistan Audit Department..

(iv) Military Accountant General for Military Upto Accounts Departments...... Grade 20

(v) Member Finance, Railway Board for Railway Audit Department...............

(vi) Head of Department as defined in For Grade S.R.2(10) not below grade-20......... 17 and 18

3. The exercise of the powers as delegated shall be subject to the observance of the following conditions:-

(i) the arrangement should not be made for a period of less than one month and should not exceed three months. However, it may be extended by another three months with the approval of the next higher authority;

(i) as soon as the current charge is given, a proposal for regular appointment should be initiated and referred to DPC/CSB within a month; and

(iit) in making current charge arrangement, the senior most officer available in the organisation and present at the place where the vacancy may have occurred, if he is otherwise fit and eligible for promotion, should be considered.

4. An officer appointed to hold current charge of a higher post shall be allowed, in term of F.R. 35 and proviso to Section 17 of the Civil Servants Act, 1973 pay in his own grade plus additional pay equal to 10% of his grade pay. (Please see revised orders vide SI. No.119 below)

5. The existing orders on the subject are modified to the above extent.

[Authority.- Estt. Division O.M.No.1/21/76-AR.I/R-Il, dated 18-6-1980, as amended vide O.M. of even number dated 10-4-1981].

SL. No. 118

With reference to the Establishment Division's Office Memorandum No. 1/21/76- AR.I/R.II dated the 18th June 1980 (SI. No.117), it is clarified that for the purpose of making current charge arrangements it is not necessary to insist on completion the length of service as prescribed for promotion.

[Authority.- Estt. Division O.M. No. 1/4/84-R.2 dated 3-7-1984].

SI. No. 119

Enhancement of special pay admissible to an officer appointed to hold current charge of a higher post.- Under the existing orders an officer appointed to hold current charge of a higher post in addition to the duties of his own post, is allowed in terms of F.R. 35 and proviso to Section 17 of Civil Servants Act, 1973, pay of his own post plus special pay equal to 10% of his pay. The position has been reviewed and in order to afford sufficient compensation to a person performing duties of higher post carrying higher responsibilities, it has been decided, with the approval of the competent authority, that in case of current charge appointments to higher posts, special pay shall be admissible at the rate of 20% of pay subject to a maximum of ‘[Rs.6000 p.m. with effect from 1-7-2005].

2. However it is emphasized that the current charge arrangements should be made with the approval of the competent authority strictly in accordance with the orders contained in the Establishment Division's O.M.No.1/21/76-A.R.1/R.Il, dated 18-6-1980 (SI. No.117).

[Authority.- Finance Division O.M. No. F.2(9)-R.3/85, dated 15-3-1987]. SI. No. 120

Reference Establishment Division's O.M. No. 1/21/76- AR.I/R.II, dated 18th June, 1980 which provides that "the current charge of the duties of that post may be given temporarily, with the approval of the authority competent to make appointment to the said post, to the most senior officer in the cadre present at the place or in the organisation where the vacancy may have occurred if he is otherwise fit and eligible for promotion". Queries have been received as to the definition of the word "place" and "organisation".

2. The matter has been considered. The word "place" refers to the area in which the office in which the vacancy has arisen is located, e.g., Rawalpindi, Islamabad, Karachi etc. The word "organization" refers to each distinctive administrative unit of department. For instance in a Division which is divided into different Wings each as a distinct entity, the organization will refer to each such Wing.

[Authority.- Estt. Division O.M. No. 1/21/76-AR-I/R.Il, dated 14-3-1981].

*Revised Finance Division O.M.No.F.1(1)/Imp/2005, dated 1.7.2005. SI. No. 121

With reference to the Establishment Division O.M. No. 1/21/76- AR.I/R.Il, dated the 18th June, 1980 as amended vide Establishment Division O.M. of 10th April, 1981 a question has been raised as to which authority is competent to extend current charge appointment beyond 6 months.

2. The delegation made vide the Establishment Division O.M. No. 1/21/76- AR.I/R.II, dated the 18th June, 1980 as amended vide O.M. dated 10th April, 1981 is in partial modification of the Establishment Division O.M. No. 7/22/70-AVII, dated 7th August, 1970. The cases of extension of current charge appointment beyond 6 months will, therefore, continue to be sanctioned by the Establishment Secretary in respect of posts in BPS 17 to 19 and by the President in respect of posts in BPS 20 and above.

3. The current charge arrangement is made as a temporary measure pending appointment of a person to the post on a regular basis. It is expected that case for regular appointment will be simultaneously initiated and finalised within the period of 6 months which is considered sufficient for the purpose. Normally, therefore, there should be no occasion for extending current charge arrangement beyond 6 months. In those cases only where it is necessary to continue the current charge arrangement beyond this period cases should be referred to the Establishment Division. Such cases should indeed the rare. The case should be referred in the form of a summary for the President in the case of posts in BPS 20 and above and for Establishment Secretary in the case of posts in BPS 17 to 19, stating what action was taken to fill the post on a regular basis, the reasons why it has not been possible to make a regular appointment within the prescribed period of 6 months and full justification for further extension of temporary arrangement. The period for further extension should be as short as possible necessary to make regular arrangements.

4. The proposal to continue payment of additional pay beyond 6 months will also require approval from the Ministry of Finance. The proposals may therefore be referred initially to the Ministry of Finance for

their concurrence before referring the case to the Establishment Division.

[Authority.- Estt. Division O.M. No 1/21/76-AR-I/R-II dated 6-4-1982].

SI. No, 122

Correct designation of officers holding current charge of higher posts.- It has been decided in consultation with the Law Division that an officer holding a higher post on current charge basis may use the designation of that post in relation to a duty attached to that post.

[Authority.- Estt. Division O.M. No. 1/3/82-R.2, dated 16-12-1982].

Appointment of Officers on Current Charge against Higher

Posts and Payment of Additional Remuneration therefor

SI. No. 122-A

The instructions contained in para 3 of Establishment Division O.M.No.1/21/76-AR-1/R-Il, dated 6.4.1982 which provide that the extension of current charge arrangement should be sought from the President and the

Establishment Secretary in case of posts in BS-20 and above and posts in BS 17-19, respectively, and to state that the aforesaid instructions have been reviewed inconsequence of amendment in Rule 6 of the Civil Servants Appointment, Promotion & Transfer) Rules, 1973 notified vide SRO No.276(I)/2000, dated 25.5.2000 under which Secretaries of the Ministries/Divisions have been authorized to make appointments to posts in BS 17 to 19, and it is clarified that extension of current charge arrangement to posts in BS 17 and above is now required to be sought from the appointing authority prescribed in Rule 6 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.

2. While approving/extending current charge arrangements, the following guidelines are required to be strictly observed:-

(i) Current charge arrangement is a temporary measure pending appointment of a person on regular basis in the prescribed manner.

(ii) Proposal for regular appointment in the prescribed manner should be initiated at the earliest opportunity and current charge arrangement should not be considered as a justification for delay in filling the posts on regular basis in the prescribed manner.

(iii) | Six months is considered a sufficiently long period for the purpose of filling of posts on regular basis and, therefore, there should normally be no occasion or necessity for seeking extension of current charge arrangement beyond six months.

(iv) Extension of current charge beyond six months requires prior consultation with the Finance Division before seeking the orders of the competent appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.

(v) Current charge of a higher post can be given only to those persons who fulfil eligibility conditions for regular promotion to that higher post.

(vi) Normally the most senior persons available in the Wing/Unit where higher post falls vacant, should be given current charge of higher post.

3. While issuing formal sanction for grant of additional remuneration on account of current charge, it may be specifically certified that the above mentioned guidelines have been kept in view while approving/extending current charge arrangement.

[Authority.- Establishment Division’s O.M. No.1/17/2000-R.2, dated 21.11.2005].

SI. No. 123

Additional Charge appointments.- The President has been pleased to decide -

(a) that combination of appointments in terms of Fundamental Rules (F.R) 49 should be made as a temporary measure and should not ordinarily be made for a period of more than 6 months; and

(b) that apart from the pay admissible under F.R. 49 (a) where applicable, the additional remuneration which may be granted to an Officer, including a Judicial Officer of the rank of Joint Secretary or above, who is called upon to perform additional duties, should not exceed an amount equal to 10% of his pay in the original post.

2. In order to comply with the decision mentioned in para I(a) above, necessary measures to fill up a post on a whole-time basis should be taken as soon as it falls vacant and every possible effort should be made to make a whole-time appointment within the period of six months. If, in any case, it is necessary to continue the full additional charge or current charge arrangement beyond this period, the case should be referred to the Ministry of Finance stating the steps taken to fill the post on a whole-time basis, the reasons why it was not possible to appoint a whole-time officer within the prescribed period and giving full justification for further continuance of the temporary arrangement.

3. For the purpose of the decision given in para 1(b) above, all posts carrying a pay of Rs. 3,000 in the "existing" (pre-31) scale or Rs. 2,000 in the "Prescribed" scales will be regarded as equal in rank to the post of Joint Secretary.

4. The grant of additional pay to officers below the rank of Joint

Secretary will continue to be regulated under the existing orders, according to which additional pay not exceeding 20 per cent of the presumptive pay can be granted but, as a consequence of the limits laid down in para 1(b) above, the amount of additional pay granted to officers below the rank of Joint Secretary should not exceed the amount of additional pay admissible to a Joint Secretary under these orders.

[Authority.- Finance Division O.M. No. F. 4(46)-RII(III)/56, dated 26-10-1957 as reproduced below F.R. 49].

Combination of Appointments

SI. No. 123-A:

Reference paras of the instructions contained in Establishment Division O.M.No.1/21/75-AER.R.2 dated 19.8.1989 which provide that additional charge arrangement in non-identical post in BS-17 to 19 requires approval of the Establishment Secretary. The above instructions have been reviewed in the light of amendment in Rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 notified vide SRO No.276(1)/2000, dated 25.5.2000 under which Secretaries of the Ministries/Divisions have been authorized to make appointment to posts in BS-17 to 19 consequent upon the aforesaid amendment in rules additional charge arrangement in non-identified posts to BS-17 to 19 now requires approval of Secretary of the concerned Ministries/Divisions. Cases involving additional charge of posts borne on the code of APEC and OMG shall, however, continue to be submitted for the approved of Establishment Division. The instructions contained in Establishment Division O.M. No.1/21/76-AR-1/R-II dated 19.8.1989 stand amended accordingly.

2. Ministries/Divisions are requested to bring the above instructions to the notice of all concerned departments.

[Authority.-Establishment Division’s O.M.No.1/15/2000-R.2, dated 2.10.2000].

SI. No. 124

The question whether cases of additional charge appointments come within the scope of the Central Selection Board or not has been under consideration in the Establishment Division.

2. After careful consideration it has now been decided that when an officer is appointed to hold additional charge of an equivalent post in terms of the Ministry of Finance O.M. No. 4(46)-R.II (III)/56, dated the 26th October, 1957, it will not be necessary to obtain the approval of the Central Selection Board. The Ministry concerned may make such an appointment in consultation with the Ministry of Finance. But when an officer is appointed to hold current charge of a higher post for a period exceeding two months, the approval of the Central Selection Board is necessary in accordance with the existing orders.

[Authority.-. Estt. Division O.M. No. 26(13)/63-Al, dated 2-7-1964]. SI. No. 125

Reference Finance Division's circular O.M. No. F. 4(14)-R. 4/68, dated the 9th September 1971, the position has been reviewed and in order to afford sufficient compensation to a Government servant entrusted with the additional charge of a vacant identical post, it has been decided with the approval of the competent authority, that in case of additional charge arrangement, special allowance shall be admissible at a uniform rate of 20% of basic pay not exceeding Rs. 6000 p.m. with effect from 1st July 2005, subject to the fulfillment of the following conditions:-

(i) The work of the vacant post, as far as possible, be distributed among more than one Government Servant of the same status and designation available in the Ministries/Divisions/Departments.

(il) Where the distribution of the work among more than one Government Servant is not feasible, the charge of the vacant post may be entrusted, in its entirety, to another Government Servant. This arrangement should not be made for a period less than one month and should not exceed three months and it should be allowed with specific approval of the Secretaries/Additional Secretaries/Heads of Attached Departments/Heads of Department not below BPS-21. However, it may be extended by another three months with the approval of next higher authority.

(iii) Immediately on the expiry of six months of the full additional charge of the particular vacant post, the post shall be treated as having been abolished and its duties automatically becoming part of the normal duties of the other existing posts of the same category in the Divisions/Departments concerned. The post so treated as abolished shall not be reviewed without the concurrence of the Financial Adviser concerned.

2. Finance Division's O.M. No. 4(14)-R.4/68, dated the 9th September, 1971 shall be deemed to have been cancelled with effect from Ist February, 1987.

[Authority.- Finance Division O.M. No. F.2(9)-R-3/85, dated 18-3-1987]. SI. No. 126

The Finance Division's O.M.No.F.4(14)R.4/68, dated 9-9-1971 authorises grant of Special Pay at various specified rates in cases in which, in accordance with para 2(ii) of that circular, the charge of the vacant post of an officer in an establishment is entrusted in its entirety to another officer of the same status, category and designation in that establishment. A question was raised whether this combination of charges, where the post and the officer concerned belong to a Grade higher than Grade 15, needs or does not need to be notified in the gazette, in order for the above special pay to become payable. The matter has been considered in consultation with the Establishment Division. The position is that the combination of charge in the above category of cases [unlike the combination of appointments under F. R. 49 or under para 1(2) (c) of the pre-Independence Government of India, Finance Department's O.M. No. F. 7 (3)-Ell/46, dated 26-9-1946] would not have the effect of bringing about any change either in the status of the officer concerned or in his competence to perform official duties. It has accordingly been held that notification, in the gazette, of the combination of charges authorised under para 2(ii) of the above mentioned circular dated 9-9-1971, would be uncalled for.

2. It follows that in cases of the kind referred to in the preceding para, issue of an official letter conveying the approval of the competent authority to the combination of charges in question and to the grant of special pay in accordance with para 2(ii) of the circular dated 9-9-1971 referred to above, would constitute sufficient authority for the Audit to allow the relevant rate of special pay to the officer concerned.

[Authority.- Finance Division O.M.No.D.907-R.4/76-F.4 (19)R.1/76, dated 6-10-1976]. SI. No. 127

Appointment on Acting Charge basis.- Reference rule 8-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, and to state that a civil servant, on appointment to hold a post on Acting Charge basis, shall -

(a) assume full duties and responsibility of the post and exercise all statutory, administrative and financial powers vested in the regular incumbent of the post; and

(b) during the period of such appointment, be entitled to draw fixed pay equal to the minimum stage of the pay at which his pay would have been fixed had he been appointed to that post on regular basis. Service rendered on Acting Charge basis in the scale applicable to the post shall not count for purposes of drawal of increments in that grade. It shall, however, count towards increments in the scale of pay held immediately before appointment on Acting Charge basis so that on reversion from Acting Charge appointment his pay in the lower grade should be fixed at the same stage which he would have reached, but for appointment to the higher grade;

Provided that if at any time during his appointment on acting charge basis, his substantive pay exceeds his pay fixed on acting charge appointment, he will draw his substantive pay.

Explanation.- For the purpose of this proviso, officiating pay drawn in a post held on regular basis continuously for three years (including period of leave) or which would have been drawn for that period but for appointment on acting charge basis shall be treated as substantive pay.

[Authority.- Estt. Division O.M.No.1/9/80-R II(B), dated 12-1-1981 as amended vide O.M.No.1/1/82-R 2 dated 15-8-1983].

SL. No. 128

Reference sub para (b) of Establishment Division's O.M.No. 1/9/80-R.II(B) dated 12th January, 1981, as amended vide O.M.No. 1/1/82/R.2, dated 15th August, 1983, it is stated that in partial modification of the said orders it has been decided that the service rendered on acting charge basis in respect of appointments falling under rules 8-B(I) and 8-B(3) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 count in the pay scale applicable to the post for the purposes of accrual of increments subject to fulfillment of the following:-

(i) In case of acting charge appointments to posts carrying BPS-18, the incumbents shall have completed ‘5 years service in B-17.

(ii) In case of acting charge appointments to posts carrying BPS-19 and above the incumbents shall have completed the prescribed length of service for respective posts as under:-

(a) Posts in BPS-19 "12 years service in BPS-17 and above.

(b) Posts in BPS-20 17 years service

in BPS-17 and above.

(c) Posts in BPS-21 22 years service in BPS-17 and above.

2. The above decision shall be effective from the First January, 1985. However, in cases of acting charge appointments made during the period from 12th January, 1981 to 31st December, 1984, the increments shall be restored from the due dates but no arrears due on account of restoration of increments prior to 1st January, 1985 shall be allowed.

[Authority.- Estt. Division O.M.No.1/25/83-R.2, dated 27-3-1985].

“Amended vide Estt. Division O.M. No. 1/25/83-R 2 dated 31-3-1986. Other short-term appointments SI. No. 129

Temporary vacancies upto two months or more.- Orders were issued (vide Establishment Division Memorandum No. 54/27/ 53-ME, dated the 30th September, 1953 and 14th November, 1953) to the effect that:-

(i) No vacancy less than 4 months' duration should be filled;

(ii) Vacancies exceeding 4 months should not normally be filled

but may be filled under the personal orders of the Heads of

Ministries/Divisions/Departments;

(ili) Exception from (i) and (ii) above may be made in the case of technical staff.

2. The question of filling of short-term vacancies has been considered further and it has since been decided, in supersession of the orders referred to above, that :

(i) No vacancy upto 2 months should be filled;

(ii) Vacancies exceeding 2 months should not normally be filled

(ii)

but may be filled under the personal orders of the Heads of Ministries/Divisions/Departments;

In case where the nature of work is such that the employment of staff for a short period is unavoidable in the interest of essential work, relaxation in respect of promotion or recruitment to vacancies of even less than 2 months duration should be made and such vacancies should be filled under the personal orders of the Heads_ of Ministries/Divisions/ Departments. Such relaxation should, however, be made only after consultation with the Establishment Division.

[Authority.- Estt. Division O.M. No. 54/27/53-ME, dated 8-4-1954 as amended vide O.M. No.11/4/61-F.II (XV), dated 6-4-1962].

Note.-

SI. No. 130

The above orders do not apply to the case of Secretaries to Government for whom separate orders exist.

Vacancies caused by deputation of officers abroad.- There has been some confusion in the past in regard to the necessity or otherwise for creation of posts for making officiating arrangements in vacancies caused by the deputation of officers abroad. The matter has been examined and the following instructions are issued for the guidance of Ministries/Divisions, etc:-

(1)

(2)

When the officer hands over charge of his post.- The officer concerned is placed on special duty and is entirely detached from duties of the post which he ordinarily holds. “A post of Officer on Special Duty would have to be created in the Ministry sponsoring his deputation and the vacancy created in his own Ministry can be filled up in the normal course.

When the officer does not hand over charge of his post.- The officer is not detached from the duties of his post and it is not necessary to make arrange- ments for the disposal of the work relating to the post due to the absence of its incumbent.

A new post in a lower grade may be created with the sanction of the authority competent to create such lower post for the period of the officer's absence on duty.

2. The instructions contained in the Ministry of Finance Office Memorandum No. 4561-EG.1/1/51, dated the 12th July, 1951, are hereby cancelled.

[Authority.- Finance Division O.M.No.3005-EG-1/52, dated 7-5-1952].

SI. No. 131

Vacancies caused by suspension of Government servants.- The question whether a vacancy caused by suspension of a Government servant can be filled up like other ordinary vacancies has been examined in consultation with the Ministry of Finance and the Law Division. It has been decided that though a vacancy caused by suspension of an officer cannot be filled up substantively; it can be filled up on an officiating basis, and that no supernumerary post need be created in such case.

2. This supersedes Establishment Division's O.M. No. 2/14/67-Clll dated the 19th September, 1968.

[Authority.- Estt. Division O.M. No. 6/2/71-Dl, dated 20-9-1971].

*Note.- Pl. see Estt. Division O.M. No. 5(1)8/67-DV, dated 19-9-1968. Appointment of the Widows/

Departments of the Deceased Government Servants in the Government SI. No.131-A:

The undersigned is directed to say that Ministries/Divisions/ Departments have been forwarding proposals to the Establishment

Division for appointment of widows/children of deceased government servants in relaxation of the procedure prescribed in the Civil Servants Appointment, Promotion and Transfer) Rules, 1973 in pursuance of a Cabinet decision (case No.12/1/96, dated 06.1.1996). It was within the notice of Ministries/Divisions that the said Cabinet decision could not be implemented owing to a judgment of the Supreme Court of Pakistan in Human Rights Case No.104 of 1991, wherein it was held that initial recruitments, both ad-hoc and regular, could only be made after advertising the vacancies publicly and properly, and that any process to the contrary would be violative of the Fundamental Rights (Article 18 of the Constitution).

2. The matter has been examined afresh by the Establishment Division in consultation with the Law and Justice Division and it has been held that no appointment to a civil post can be made in violation of the procedure laid down in the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973. This includes the cases of widows/dependents of deceased government servants.

3. All Ministries/Divisions are advised to kindly take note of the above stated position, Ministries/Divisions are also requested to bring the above instructions to the notice of Attached Departments, Subordinate Offices, Autonomous/Semi-Autonomous — Bodies/ Corporations etc. under their administrative control for information and compliance.

[Authority.- Establishment Division's O.M.No.4/1/99-RW-Il, dated 8.1.2000].

Appointment on Contract Basis

SI. No. 132

The standard terms and conditions of appointment on contract were last circulated vide Establishment Division's O.M.No. F.10/55/82-R.2, dated 15th January, 1985. These have since been reviewed in consultation with Finance Division and Law and Justice Division.

2. All Ministries/Divisions are requested that, henceforth, the revised format may be used in case of contract appointments in the Ministries, Divisions and their Attached Departments and other Organisations under them.

[Authority.— Establishment Division O.M.No.F.10/52/95-R.2,dated 18-7-1996].

Revised Format GOVERNMENT OF PAKISTAN

Name of Ministry— No. Islamabad/Rawalpindi ,20--- From: To: SUBJECT: EMPLOYMENT ON CONTRACT BASIS Sir, | am directed to say that you have been selected for

appointment on contract AS .... eee under the Federal Government on the following terms and conditions: —

1‘Post. jj§ ‘| semesieradiiveareest

2.Placeofposting: =... or anywhere within or outside Pakistan as the competent authority may decide.

3. Period of contract: —s (not exceeding two years) from the date of assumption of charge.

4. Pay: Minimum of the relevant scale of pay. Annual increment shall be admissible as under the normal rules.

5. Allowances: As admissible to corresponding civil

servants. However, Qualifications Pay/ Allowance, Senior Post Allowance and Orderly Allowance shall not be admissible in case these allowances

6. Travelling Allowance:

7. Seniority:

8. Leave:

9. Medical Facilities:

10.Pension:

11.General Provident Fund:

12.Conduct and Discipline:

13.Appeal:

14.Termination of contract:

15.Whole Time

were taken into account while calculating pension after retirement from previous service.

As admissible to civil servants of the corresponding pay scale under the rules.

This contract appointment does not confer any right for being placed in the gradation/ seniority list of the cadre/group to which the subject post belongs.

As admissible under the Revised Leave Rules, 1980. However, provisions contained in Rules 5(c), 8, 11, 14, 16,17, 18, 18-A, 19, 27, 33, 34, 35, 36 and 39 of Rules ibid shall not apply.

All leave at your credit will lapse on the termination of this contract.

As admissible to officers of the Federal Government under the rules.

Service rendered under this contract shall not qualify for a pension or gratuity.

Pension in respect of previous service, if any shall continue to be drawn in addition to pay.

No contribution towards G.P Fund shall be required.

Rules made and instructions issued by the Government or a prescribed authority as for civil servants under Section 15 and 16 of the Civil Servants Act, 1973 as amended from time to time shall apply.

Civil Servants (Appeal) Rules 1977 with amendments if any shall apply.

The appointment during the period of contract shall be liable to termination on 30 days notice on either side or payment of basic pay in lieu thereof, without assigning any reason.

Whole time of the contract appointee would be

employment at the disposal of the Government. He may be

posting and employed in any manner required by

transfer: appropriate authority without claim for additional remuneration. He shall at all times obey the rules prescribed for the time being for the regulation of the service or cadre to which the post in which he has been employed belongs.

16.Other matters: In respect of other matters not specified in this contract, the Rules/Regulations as applicable to Federal Civil Servants shall apply.

*[17.Accommodation The persons employed on contract shall not be entitled to government accommodation. However, they will be entitled to such house rent allowance as may be prescribed by Government from time

to time.]

*Added vide Establishment Division Notification No. 10/52/95- R.2(Pt), dated 12-8-1998.

2. If the above terms and conditions of appointment are acceptable to you, please send your written confirmation by registered post or personally so as to reach the undersigned within one month of the date of this letter.

3. This offer of appointment will be treated as cancelled if you do not convey acceptance thereof or resumed duty within the time specified in para 2 above.

Your obedient servant

SI. No. 133:

It has been noticed with concern that contract appointments were made in the past indiscriminately without proper examination of the need therefor and without ensuring observance of the principle of open merit, and equality of opportunity. It has now been decided by the Chief Executive that the following guidelines should be strictly observed in future while proposing contract appointments to civil posts under the Federal Government:—

i) The concerned department should specifically justify why it is not possible to fill in a vacancy in accordance with the procedure laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and the Recruitment Rules and where it is considered necessary to fill in a post on contract, it shall only be for a period not exceeding two years. The professional qualifications, experience, and age limit (where necessary) required for the post, shall be prescribed in consultation with the Establishment Division.

ii) The decision to fill the vacant post on contract basis shall be taken at the level of the Secretary of the Ministry/Division and/or head of the Departments/Organization etc.

The post should be advertised and selection should be made by a Departmental Selection Committee as per following composition: —

Basic Pay Scales Composition of the Selection Committee

BS-20 and above Minister - Chairman Secretary - Member J.S(Admn) - Member-cum-Secy.

Note.— In case the post(s) are in an Attached Department/Subordinate Office, Head of the Department will be co-opted as member.

BS-1 to 19 Selection should be made by the Selection Committees/Boards which have been constituted for regular appointments in BS-19 and below.

iil) (a) *The condition of open advertisement may be dispensed with, with the approval of the Chief Executive, if it is proposed to appoint a retired civil servant or a retired officer of the

Armed Forces or a retired Judge of a superior court, on contract basis.

b) The condition of open advertisement may be relaxed, with prior approval of the Chief Executive, in the cases of intake of qualified persons from the market/private sector in exceptional situations where it is not practicable to observe the said condition.

c) **[The condition of open advertisement may also be relaxed by the Prime Minister for the purpose of appointment on contract basis of widow/widower or one child of a deceased civil servant who dies during service and wife/husband or one child of a serving civil servant who becomes “permanently disabled during service” and he/she takes retirement from service provided that such _ special dispensation may be allowed only for appointment to posts in BS-10 and below.

Provided further that the widow/widower or a child of a civil servant who dies during service and wife/husband or a child of a serving civil servant who becomes “permanently disabled during service” and he/she takes retirement from service will have to apply for contract appointment within one year after the death of a civil servant or retirement of a permanently disabled civil servant. In case of a minor child of a civil servant, the one year period will start from the date he/she attains the age of 18 years].

iv) All contract appointments shall be made with the approval of the appointing authority prescribed under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

*Added vide Establishment Division's corrigendum F.No.8/10/2000-CP.I, dated 2.03.2000 and O.M. F.No.810/2000-CP.I, dated 12.08.2005 **Subs vide Establishment Division's O.M.No.4/1/2005-CP.|, dated 13.4.2005.

v) As a matter of general policy the period of contract shall not be

extended beyond two years but in exceptional cases where it is considered necessary to extend such appointments beyond the period of two years, the advice/concurrence of the FPSC may be sought at least six months in advance of expiry of the period of Original appointment, and thereafter approval of the competent authority may be sought. It is clarified that the requirement of seeking advice/concurrence of FPSC is applicable only in respect of posts which fall under the purview of FPSC in accordance with Rule 3 of FPSC (Functions) Rules, 1978.

2. Policy guidelines for contract appointments in Autonomous Bodies/Semi Autonomous Bodies, Corporations, Public Sector Companies etc. owned and managed by the Federal Government shall be issued separately.

3. The Chief Executive may allow contract appointment of a retired civil servant or a retired officer of the Armed Forces or a retired Judge of a superior court or any other person on MP pay package in the public interest and merit.

[Authority Establishment Division O.M. No.8/10/2000-CP.1, dated 21-3-2000 as amended from time to time].

Standard Terms and Conditions of Contract Appointments — Case of Retired Civil Servants, Retired Officers of the Armed Forces, Retired Judges of Superior Courts

SI. No. 134:

Reference Standard Terms and Conditions of Contract

Employment, issued vide Establishment Division's O.M.No.10/52/95- R.2, dated 18.7.1996, as amended from time to time, the mater has been reviewed in consultation with the Finance Division, and it has been decided with the approval of the competent authority that the terms of re-employment of retired civil servants, retired officers of

the Armed Forces and retired Judges of Superior Courts shall

(a)

(b)

(c)

henceforth be as under: —

Re-employment on a civil post relating to the affairs of the Federal:

A retired civil servant and a retired officer of the Armed Forces, re-employed on a civil post equivalent to the post from which he retired, may be allowed the pay, allowances and perquisites sanctioned for the post. His pay may be fixed at that stage of the time scale of the post at which he was drawing his pay before retirement.

A retired Judge of the superior courts may be allowed pay, allowances and perquisites sanctioned for the post, and his pay may be fixed at the maximum of the pay scale of the post.

Retired civil servants or retired officers of the Armed Forces, re-employed against a higher post, may be allowed the last pay drawn plus allowances and perquisites sanctioned for the post.

I. Re-employment in Autonomous Bodies:

(a) A retired civil servant and a retired officer of the Armed Forces and a retired Judge of the superior courts, on re- employment in an autonomous body administered or controlled by the Federal Government, may be allowed pay as determined at (a), (b) and (c) above plus the allowances and perquisites sanctioned for the post.

(b) Where the terms and conditions of a post are prescribed in a statute or a statutory notification, the provisions of the statute or the statutory notification, as the case may be, should be prevail.

HL. Existing Pensionary benefits to continue.

The terms and conditions proposed above should have no bearing on the pension to which a retired civil servant or a retired officer of the Armed Forces or a retired Judge of the superior courts may be entitled in accordance with the applicable law and the rules.

2. The standard terms and conditions of contract appointment

circulated vide O.M.No.F.10/52/95-R.2, dated 18.7.1996 stand amended to the above extent. (SI.No.132)

[Authority.- Establishment Division O.M. No.10/52/95-R.2(Pt), dated 21-8-2001].

Extension in the Period of Contract Appointments

for Posts outside the purview of FPSC

SI. No.135

The Guidelines for contract appointments issued vide Establishment Division O.M.No.8/10/2000-CP.1, dated 21.3.2000 laydown inter alia, that: —

v) “As a mater of general policy the period of contract shall not be extended beyond two years but in exceptional cases where it is considered necessary to extend such appointments beyond the period of two years, the advice/concurrence of the FPSC may be sought at least six months in advance of expiry of the period of original appointment, and thereafter approval of the competent authority may be sought”. It is clarified that the requirement of seeking advice/concurrence of FPSC is applicable only in respect of posts which fall under the purview of FPSC in accordance with Rule 3 of FRSC (Functions) Rules, 1978.

2. The above caveat is only applicable to such posts which fall within the purview of the FPSC in terms of Rule 3 of the FPSC (Functions) Rules, 1973 /.e. posts in BS-16 and above and posts in BS 11-15 in the departments specified vide SRO No.415/2000 dated 19.6.2000.

3. In terms of sub para (iv) of para 1 of above said OM dated 21.3.2000 contract appointments are required to be made with the approval of the appointing authority prescribed under rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. This means that contract appointment to posts in BS-20 and above are required to be approved by the Chief Executive, and extension of such appointments beyond two years would also require the approval of the Chief Executive.

4. As regards appointments beyond two years to posts in BS-19 and below falling outside the purview of the FPSC following instructions may be followed:—

(i) extension of contract appointments beyond two years to posts in BS- 17-19 shall be subject to the approval of the Establishment Secretary;

(it) extension of contract appointments beyond two years to posts in BS- 16 shall be subject to approval of the Secretary of the administrative Division concerned and Heads of departments in BS-21;

(iii) extension of contract appointments beyond two years to posts in BS-15 and below shall be subject to approval of a Grade-21 officers designated by Secretary in the case of Ministries/ Divisions and Head of Department in the case of Attached Departments and subordinate offices;

(iv) the case for extension shall be moved at least two months in advance of the expiry of original appointment.

[Authority. — Establishment Division O.M..No.8/10/2000-CP.1, dated 23-12-2000].

SI. No. 136

Provision of Government accommodation to persons appointed on contract, and Retention of Government accommodation by retiring officers/officials.-In continuation of Establishment Division O.M. No.10/52/95-R.2(Pt), dated 12.8.1998, the Prime Minister has been pleased to decide that contract appointees whose terms of contract had been issued prior to 12th August 1998 and who were in occupation of validly allotted Government owned/requisitioned houses prior to 12-8-1998 may be allowed to retain the said accommodation till the expiry of their present tenure of contract appointment.

[Authority.— Establishment Division O.M. No.10/52/95-R2(Pt), dated 9-10-1998]. SI. No.137

In partial modification of Establishment Division O.M. of even number dated 12.8.1998 and 9.10.1998 the competent authority has been pleased to decide that all Government servants who have been re-employed on contract after the age of superannuation shall be entitled to retain the allotted government accommodation.

2. Ministries/Divisions are requested to bring the above decision to the notice of their Attached Departments and Subordinate Offices.

[Authority.— Establishment Division O.M. No.10/52/95-R.2(Pt), dated 7-11-1998].

SI. No. 138

Reference Establishment Division O.M.No.10/52/95-R.2(Pt.) dated 12.8.1998, a question has arisen whether the instructions contained therein are applicable to persons employed on contract by the Government Departments which have their own accommodation. The matter has been considered carefully and the competent authority has been pleased to decide that in case any organisation has official accommodation available (other than pool accommodation of Estate Office) for allotment to its contractual employees, the same may be allotted in accordance with the rules of the respective department.

2. The competent authority has further been pleased to decide that officers/officials on retirement, shall be entitled to retain official accommodation for a period of six (6) months instead of two (2) months, as at present, and no extension shall be allowed beyond the aforementioned period. Retiring officers/officials should prepare themselves accordingly.

3. Ministries/Divisions are requested to bring the above decisions to the notice of the Departments and organisations under their administrative control.

[Authority.— Establishment Division O.M. No.10/52/95-R.2(Pt), dated 1-6-1999].

Relaxation in Upper Age Limit to persons employed in Government Department on Contract Basis

SI. No.139

Sub rule (iii) of rule 3 of Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993, notified vide SRO 1079(1)/93 dated 4th November, 1993 provides *[15] years relaxation upto 55 years in the upper age limit prescribed in the recruitment rules for Government Servants who have completed 02 years continuous government service on the closing date for receipt of applications.

*Substituted vide Establishment Division's Notification S.R.O No.576(1)/2000, dated 17.8.2000.

2. A question has arisen whether the above mentioned relaxation in upper age limit is also available to those persons who are employed on contract basis in government departments? The matter has been examined and it is clarified that the above mentioned relaxation in upper age limit is admissible to "Government Servants". The persons employed in a government department, (as distinct from a body corporate established by or under an Act of Parliament) on contract basis are "Government Servants," and are eligible for and entitled to relaxation in upper age limit under sub rule (iii) of rule 3 of the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993, subject to fulfilling the other conditions laid down in the said rules.

[Authority.— Establishment Division O.M.No.9/2/90-R.5, dated 11-9-2000].

Procedure regarding Appointment in Autonomous/Semi-Autonomous Bodies, under the Federal

Government of Pakistan

SI. No. 140

In supersession of the instructions issued vide Office Memorandum No.1/85/94-E.6, dated the 12th September, 1994, henceforth the cases of appointment to various posts in autonomous/semi-autonomous bodies shall be processed in

accordance with the following guidelines:—

SI.No. Nature of Case Selection Approving Procedure Authority 1 2 3 4

i. Appointment of Selection Board Prime Minister/ Chief headed by the Chief Executive Executive/Head Minister of the Incharge to Organization consider and

recommend from a panel of three names for each vacancy.

*ii. (a) Posting of To be Prime Minister/ government processed Chief Executive servants of BS- through the 21 and above Establishment

Division (b) Posting of - Establishment government Secretary servants of BS- 20 SI.No. Nature of Case Selection Approving Procedure Authority 1 2 3 4

(d)

Posting of government servants of BS- 17 to 19

Posting of government servants in BS- 16 and below

To be processed in the Ministry/Division concerned

To be processed _ by the Department Concerned.

Secretary of concerned Ministry/Division

Heads of Departments

ii.(a)

Appointment to posts in Management

Grades other than of a

Finance Member/Director and those

covered by (i) and (ii) above

Selection Board headed by the Secretary of the Ministry/Division concerned _ to consider and recommend from a panel of three names for each vacancy.

Prime Minister/Chief Executive

*(b)

Appointments to posts carrying a minimum pay equal to the minimum of BPS-20 and above

Selection Board headed by the Secretary of the Ministry/Division concerned _ to consider and recommend from a panel of three names for each vacancy.

Minister Incharge

Appointment of

Heads of Subsidiary

Companies not included in

concerned and

Selection Board headed by Secretary of the Ministry/Division from a panel of three names for

Minister Incharge

Management

recommend each vacancy Grade Vv. Appointment to Through Head _ of posts other than appropriate Organization those mentioned Selection Board concerned above. set up in the Organization

the

*Amended vide Establishment Division O.M.No.6/4/96-R.3, dated 26-5-2000.

2. This procedure shall be applicable, mutatis mutandis, for selections for these posts from open market.

3. The Constitution of Selection Boards for posts mentioned at Serial Numbers (i), (ii), (iii) and (iv) of Para 1 shall be subject to the approval of the Prime Minister/Chief Executive through Establishment Division (unless already so approved). The constitution of the Selection Board at Sr.No.(v) of para 1 shall be approved by the Minister Incharge of the Méinistry/Division concerned.

4. In case where the services of any Government Servant are required for posting on deputation in any autonomous/semi- autonomous body, the administrative Ministry/Division concerned shall propose a panel of at least three names through the Establishment Division in case where the Prime Minister/Chief Executive is the competent authority.

5. Appointment to the post of Member(Finance), Director (Finance) or the Chief Finance Officer in any autonomous/semi- autonomous body irrespective of the designation shall be made with the approval of the Prime Minister/Chief Executive in case the post is in BS-20, equivalent or above. However, for these posts in BS- 19/equivalent the Government's approval will be accorded by the Finance Secretary in consultation with the Establishment Secretary.

*[6. All appointments approved by the President or the Chief Executive/Prime Minister shall be notified by the Establishment Division. Posting of Officers of BS-20 in autonomous and semi- autonomous bodies will also be notified by the Establishment Division. The terms and conditions of deputation to autonomous bodies shall be regulated by the prescribed standard terms and conditions of deputation. Any deviation from the standard terms and conditions of deputation shall require prior approval of Finance and Establishment Divisions].

7. In cases where these instructions are in conflict with the provisions of the Laws governing any Corporation, the provision of the Law to the extent of conflict shall prevail.

8. Establishment Division's U.O.No.1/85/94-E.6, dated the 5th May, 1996 regarding ban on promotion in the Corporation, is hereby cancelled.

[Authority Establishment Division O.M.No.6/4/96-R.3, dated 10-5-1997].

*Subs vide Establishment Division O.M.No.6/4/96-R.3, dated 10-4-

2002.

Policy Guidelines for Contract Appointments for posts in Autonomous/Semi-Autonomous Bodies, Corporations, Public Sector Companies etc. owned and managed by the Federal Government

SI. No.141

In order to regulate contract appointments in

Autonomous/Semi-Autonomous Bodes, Corporations, Public Sector Companies etc., owned and managed by the Federal Government, the Chief Executive has been pleased to lay down the following

(i)

(ii)

policy guidelines:—

In the case of tenure posts, appointment to which is regulated by specific provisions of a law, rule and policy instructions, contract appointments may be made in the manner prescribed in the applicable law, rules and policy guidelines/directions issued by the Federal Government.

For projects which have a limited life, appointments may be made on contract basis by the prescribed appointing authority after open advertisement of the vacancies. The advertisement should indicate prescribed academic and professional qualifications, experience, age, provincial/ regional quotas, special quotas etc. where applicable, as per rules/government policy.

(iii) For posts other than those mentioned at (i) and (ii) above contract appointments should be made only subject to fulfillment and observance of the following conditions:

(a) Where the nature of a particular job/vacant position requires contract appointment for a specific period, standing instructions should be issued by the administrative Ministry/Division concerned, after consultation with the Chairman of the Board of Directors/Board of Governors, specifying such posts and the parameters governing appointment on contract basis against such posts.

(b) Vacancies should be advertised in the leading national and regional newspapers.

(c) Selection should be made_ through regularly constituted Selection Committees/Boards.

(iv) In the case of contract appointments/re-employment of retired civil servants, retired Armed Forces Officers and retired Judges of Superior Courts, the condition of open advertisement shall not be applicable, provided that such appointments shall be made by or with the prior approval of the prescribed authorities in the Federal Government.

*[(v) The contract appointment, where justified, may be made for a period of two years initially, on standard terms including termination clause of one month's notice or one month's pay in lieu thereof. Extension may be made on two yearly

basis].

2. Ministries/Divisions are requested to circulate the above policy guidelines to all Autonomous/Semi-Autonomous Bodies, Corporations, Public Sector Companies etc., owned and managed by the Federal Government for strict compliance.

[Authority.- Establishment Division O.M. No.6/2/2000-R.3, dated 6-5-2000].

Guidelines for Appointment of Consultants

SI. No.142

Consequent upon the findings of various Committees appointed during 2001 to examine the appointments of consultants and deliberations of the Conference held on 13 November, 2001, under the Chairmanship of the COS to the Chief Executive, the competent authority was pleased to direct, inter alia, that guidelines regulating the appointment of consultants in all Ministries/Divisions and organizations under their administrative control, be framed/ circulated on the approved lines, for compliance by all the Ministries/Divisions/Organizations. Accordingly, a set of guidelines, in the succeeding paragraphs, is circulated for strict compliance, to ensure that the best persons are transparently and competitively appointed in a cost-effective manner, only when a consciously and formally identified need for consultants exists.

*Subs. vide Establishment Division O.M.No.6/2/2000-R.3, dated 29-4-2002.

Determination of Need for Consultants:

2. Need identification is a pre-requisite for any organization planning to obtain services of consultants, who are normally required to tender advice, being experts/specialists, on specific (generally technical) issues/projects to:

a) Address on uncommon problems;

b) Provide technical supervisions; or

c) Introduce innovative practices/solutions

Consultancies would generally fall into two broad categories:

i) Project Consultancy—to provide technical support/ supervision by

filling vacuum of technical expertise, specific to the project and funded out of development funds; and

ii) General/Management Consultancy-to provide expert advice, unavailable in-house, to introduce innovative solutions to Financial/Human Resources Management/ Technical Issues or to act as agents of change for status-quo oriented permanent employees and commonly paid for out of non-development budget.

A consultancy would, therefore, always be assignment specific and time bound and should be preferred only when it is considered value effective to hire services of a consultant compared to developing in-house expertise.

3. As a first step, the client organization is required to ascertain as to whether or not the required expertise is available within the organization/government. In case the expertise is available in-house, reasons for not undertaking the assignment internally may be spelled out and detailed justification, including the following, may be given for hiring the consultant: —

i) Terms of reference/specific tasks to be accomplished by the consultant.

ii) Details of the outputs required of the consultant. iii) Anticipated benefits from the proposed assignment.

iv) Professional expertise and experience required for the task to be undertaken.

v) Approximate time required for completion of the job. vi) Cost estimates.

The above information shall be placed for concept clearance before:

a)

b)

A committee headed by the Secretary of the Ministry/ Division concerned and including representative of Finance Division, Establishment Division and the Planning & Development Division for non-development budget funded consultancy; or

The appropriate approval forum for development budget related consultancies.

Procedure for Hiring Consultants:

4.

After concept clearance has been received, the following

procedure will be pursued by' the client Ministry/Division/ Department/Organization:

i)

i)

ii)

iv)

Consultancy should be widely advertised indicating the requirements mentioned at para-3 above.

Advertisement of consultancy will indicate the range of compensation package, including various facilities, depending on the nature of work involved. The applicants will be short listed and prioritized by an in-house Committee of the client organization.

For General/Non-Development Budget funded consul-tancies, a Selection Board, headed by the Secretary of the Ministry/Division concerned and including a representative each of Establishment Division and Finance Division, will recommend a panel of at least three candidates in order of merit for consideration of the appointing authority. The Selection Board should also recommend the compensation package for the consultants placed on the penal.

For development budget/project related consultancies a Competent Selection Board of the client organization, including a representative of the Planning & Development Division, shall recommend a panel of at least three names to the appropriate approval forum.

v)

Financial sanction for the appointment of a consultant on the terms and conditions recommended by the Selection Board should be obtained from the competent authority.

Final Approval:

ep !

i)

Final approval will be accorded as follows:

Development project related consultancies will be approved by the competent approval forum and additional conditional-ties of donors will be observed in grant funded consultancies.

General/non-development budget funded consultancies will be approved by the Chief Executive, on proposals routed through the Establishment Division.

Contracting Procedure:

6.

While making an offer of appointment, the following will be

provided in the contract/agreement: —

i) i)

v)

vi)

Statement of objectives of the assignment.

Responsibilities of the consultant stating particulars of the outputs required of him.

Responsibilities of the client indicating types of inputs to be provided to the consultant.

Duration of the contract indicating completion dates/ termination of contract.

Financial provisions reflecting manner of payment of remuneration etc.

General provisions regarding matters like earlier termination of contract.

vii) Mode of periodic performance appraisal of the consultant.

Others:

7. Following further guidelines will also be kept in view while appointing consultants:—

i) No person retired from a government organization will be hired as a consultant only to re-employ him/her.

ii) Consultants should not be appointed to perform routine functions of an organization.

iii) Special attention should be given by the Divisions/ Organizations to train and develop their own personnel to take up higher responsibilities.

iv) An objective evaluation and assessment of a_ consultant's performance should invariably be undertaken on a periodic basis in a manner especially designed for the job.

8. In addition to the above, following further guidelines will also be strictly complied with: —

i) Engagement of retired officers as Consultants/Advisers etc. shall require prior permission of the government, invariably i.e.

Establishment Division in case of retired civilian officers; Defence Division in case of retired defence officers; and

Law, Justice and Human Rights Division/Supreme Court/High Courts in case of retired judiciary officers.

ii) The Chief Executive's Inspection Commission shall conduct regular/periodical checks in order to monitor compliance of the guidelines;

iii) Any deviation/departure of the prescribed guidelines shall be dealt with seriously and the defaulting officer(s) shall be proceeded against, under E&D law/rules.

iv) A uniform proforma be devised containing all essential particulars/details regarding appointment of a Consultant etc. for evaluation/rational decision making by the Selection Committee/Board concerned and approving authority.

9. Ministries/Divisions are requested to kindly comply with the above guidelines and also accordingly inform their related departments/ organizations for compliance.

10. This issues with the conveyance of the approval of the competent authority by the Chief Executive Secretariat.

[Authority:— Establishment Division, MS Wing's U.O. No.11-3/2001-MSW-III, dated 25-1-2002]. SI. No. 143:

In pursuance of para-8(ii) of the Guidelines for Appointment of Consultants, circulated vide this Division's U.O. of even number dated 25.1.2002, a proforma containing essential particulars/details regarding appointment of consultants has been designed for uniform evaluation and rational decision making by the Selection Board and the appointing authority.

2. It is, therefore, requested that information as per the enclosed proforma may invariably be placed before the Selection Board and the appointing authority.

[Authority:— Establishment Division, MS Wing's U.O. No.11-3/2001-MSW-III, dated 12-2-2002].

APPOINTMENT OF CONSULTANTS

ESSENTIAL PARTICULARS/DETAILS TO BE PLACED BEFORE THE SELECTION COMMITTEE/BOARD AND APPROVING AUTHORITY

PART - I

(1) Name of the Ministry/Division/ Department hiring the Consultant

(2) Area of consultancy (3) Duration of consultancy

(4) Date of clearance by the Concept Clearance Committee

(5) Date of advertisement (copy may be enclosed)

(6) Member of applications received for the position

(7) Number of Candidates short-listed (Prioritized list* may be enclosed)

PART - Il

(2) Justification for hiring the consultant on basis of need assessment

(3) Terms of reference (TOR) of the assignment

(4) Major activities to be performed under the TOR with date of completion in respect of each activity

*Para A(ii) of the guidelines for appointment of consultants refers.

(5) Qualifications, professional experience and other specifications considered necessary for the job

(6) Cost of hiring the consultant: (a) Remuneration to be paid to the consultant (b) Cost of supporting staff (c) Cost of equipment/material. (d) Others

(6) Anticipated benefits of the proposed consultancy including savings to the organization.

PART - Ill

(To be filled when the case is submitted for consideration of the appointing authority)

(2) Names of candidates in order of merit, recommended by the Selection Board, broadly giving reasons for such selection.

(3) Compensation package for the Consultants recommended by the Selection Board.

PART - IV

(2) A profile of each candidate, *in case of individuals, and profiles of principals in case of a firm etc., covering the following, may be enclosed alongwith detailed CV:

(a) Name of the candidate/principal (b) Age with date of birth

(c) Qualification and experience relevant to the assignment

(d) Other factors which support individual's/firm's suitability for the job

(2) Draft contract agreement **may be enclosed.

*In respect of:

(1) Candidates short listed when the case is submitted for consideration of the Selection Board.

(Il) Panel of candidates recommended by the Selection Board when the case is submitted for consideration of the appointing authority.

**May be revised/modified, if required, in the light of recommendations of the Selection Board when the case is submitted for consideration of the appointing authority.

Operational Guidelines for the Administration of Surplus Pool

Sl. No.144

In a presentation to the Chief Executive on "Restructuring and Rightsizing of Federal Ministries/Divisions" held on 28.5.2001, it was, inter alia, decided that the officer-staff ratio (excluding drivers, despatch riders etc.) should be 1:3.2 for the year 2001-2002 and 1:2.5 for the year 2002- 2003, and thereafter it would be reviewed again.

2. Each administrative Secretary may be made responsible for ensuring implementation of the above decision by making internal adjustment of staff. If any officer/staff becomes redundant to the requirement of the Ministries/Divisions/Departments as a result of implementation of the above or any other decision, that may be enlisted with the surplus pool for adjustment elsewhere. As a result of implementation of the above said decisions, the number of surplus civil servants will increase manifold.

3. In terms of Section 11(2) of the Civil Servants Act, 1973, the services of civil servants holding temporary and permanent posts can be terminated on abolition of such posts. However, on human considerations, Government decided in 1993 to create a surplus pool under the charge of the Establishment Division. The civil servants declared surplus as a result of abolition of posts are enlisted in the surplus pool for absorption elsewhere.

4. In order to speed up the pace of absorption of surplus civil servants following guidelines have been framed with approval of the competent authority, for effective administration of the surplus pool: —

(i) |The name of a civil servant, other than ad hoc employees and persons appointed against leave and deputation vacancies, who may be rendered surplus as a result of reorganization or abolition of a Division/Department/ Organization or reduction in the number of posts shall be placed in the surplus pool

(ii)

(ii

(iv)

(v)

(vi)

administered by Establishment Division for a period of two years whereafter his services shall stand terminated. If a civil servant has already completed two years in the surplus pool on the date of issuance of guidelines, he may be allowed to remain enlisted in the pool for a period of another one year whereafter his services shall stand terminated.

If a post occupied by a deputationist or a person posted under Section 10 of Civil Servants Act, 1973 is declared surplus, the holder of the post shall be repatriated to his parent organization.

During the period of his placement in the Surplus Pool a civil servant shall remain on the pay rolls of his parent department and he shall be entitled to pay and allowances which he would have drawn in the post last held by him on regular basis in his parent organization before his placement in the Pool. His post in his parent department shall be treated as supernumerary post and it shall be abolished after his absorption or the period mentioned in sub-para(i) above, whichever be earlier.

During placement in the surplus pool, civil servants may be given the option to avail leave under Rule 27 of the Revised Leave Rules 1980.

Civil Servants placed in the surplus pool shall be posted for absorption in other Divisions/Departments/Organizations in accordance with Rules 3(3) and 3(4) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and Section 11-A of the Civil Servants Act, 1973.

Surplus employees in BS 1 — 5 shall ordinarily be posted for absorption at the station of their last posting or place of domicile. Civil Servants of BS-6 and above may be posted at a station other than the station of their last posting or domicile but subject to availability of posts, efforts may be made to arrange their posting nearest to the station of their last posting or their place of domicile.

(vii)

(viii)

(ix)

Failure of a surplus civil servant to join new post within the prescribed time shall render him liable to removal from the list of surplus pool and termination of his services. Where the competent authority is satisfied that failure of surplus civil servant to report for duty at the place of his new posting within the prescribed time was in circumstances beyond his control, it may for reasons to be recorded in writing, allow him additional time for joining or consider him for alternative posting at a station other than the one to which he was last posted.

If a Division/Department/Organization fails to accept the services of civil servant transferred from surplus pool, the post shall be deemed to have been abolished.

Legal provision for termination, reversion, E&D proceeding, etc shall be invoked only after the surplus civil servant fails to abide by the government orders within the given time-frame.

5. As regards employees of the autonomous bodies, they are

not civil servants and are governed by the regulations/instructions Operative in each individual Organization. Each Ministry/Division should, therefore, lay down a policy in consultation with the Finance Division for disposal of surplus employees of the autonomous bodies under its administrative control.

6. All Ministries/Divisions are requested to comply with the

above instructions/guidelines strictly.

7. This supersedes all the instructions issued on the subject

from time to time.

[Authority.— Establishment Division O.M.No.1/4/97-RW.III/CP.9, dated 9-10-2001].

SECTION "C" SENIORITY

‘Preparation of seniority lists grade-wise

SI. No. 145

According to sub-section (1) of section 8 of the Civil Servants Act, 1973, seniority lists of all persons employed under the Federal Government are required to be prepared. After promulgation of the All-Pakistan Services (Change in Nomenclature) Rules, 1973, and the Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1973, the former regularly constituted Services ceased to exist. Seniority lists of all officers employed under the Federal Government including Officers belonging to the former regularly constituted Services, should, therefore be re-drawn grade-wise. In the case of appointments made by promotion, seniority in a particular grade would be determined according to subsection (4), of section 8 of the Civil Servants Act, 1973, namely, according to the date of regular appointment to a post in that grade, subject to the proviso that civil servants selected for promotion to a higher grade in one batch shall, on their promotion, retain their inter se seniority in the lower grade unless superseded. As for seniority between departmental promotees and direct recruits in grades where posts are filled both by promotion and direct recruitment, the rule already prescribed in the general principles of seniority in Establishment Division O.M. No. 1/16/69-D.II, dated 31st December, 1970 shall continue to be followed. According to these rules officers promoted to a higher grade in a continuous arrangement and as a regular measure in a particular year shall as a class be senior to those appointed by direct recruitment in the same year.

2. The Establishment Division have already issued gradation lists in respect of grade 18 and above of the All-Pakistan Unified Grades. As for Federal Unified Grades the Ministries/ Divisions are requested to prepare gradation lists for each occupational group under their administrative control.

The names of the functional groups and the Ministry/Division administratively concerned with them are :-

‘Note.- The instructions contained in this O.M. should be read alongwith the modified instructions contained in O.M. dated 1-9-1975 (SI. No.146).

Name of the Occupational Group

1. Foreign Affairs Group

2. Accounts Group

3. Federal Revenues (Direct Taxes) Group.

4. Federal Revenues (Indirect Taxes)

Group.

5. Commerce Group

6. Information Group.

7. Secretariat Group

8. Postal Group

9. Military Lands and

Cantonme nt Group

10. Railway (Commercial and Transportation) Group

11. District Management Group (DMG)

12. Police Group

13. Office Management Group (OMG)

Name of the Former Service Comprises posts under the Ministry of Foreign Affairs.

Comprises the former PAAS/PMAS & PRAS.

Pakistan Taxation Service.

Pakistan Customs and Excise

Service

Trade Service of Pakistan

Information Service of Pakistan

Central Secretariat Service Pakistan Postal Service Pakistan Military Lands and Cantonment Service.

Pakistan Railway Service

Ministry/Division concerned

Ministry of Foreign Affairs Auditor General/ Ministry of Finance.

Ministry of Finance

Ministry of Finance

Ministry of Commerce

Ministry of Information and Media Development

Establishment Division

Ministry of

Communications

Ministry of Defence

Railways Division

Establishment Division

Establishment Division

Establishment Division

Planing & Development Division

14. Economists and

Planners Group

A proforma in which the gradation list should be prepared is enclosed (Annexure). Names of other occupational groups will be notified later.

3. The first issue of the gradation list should be marked "provisional". It should be circulated to the officers concerned and objections or representations invited. Mistakes which may be brought to notice may be rectified by the Ministries and Divisions and any general point raised in the representations may be examined and disposed of in consultation with the Establishment Division. Thereafter, the gradation list will be issued as final.

4. A copy of the provisional list may be sent to the Establishment Division also for record. Representations should be disposed of expeditiously and the gradation lists finalised as early as possible.

[Authority.- Estt. Division O.M.No.1/9/74-ARC,dated 12-9-1974].

ANNEXURE

GRADATION LIST OF FEDERAL UNIFIED GRADES

Name of the Occupational Group.............:006 Grade .... SI. Name andDate of Dateof Date of Date of Remarks No. Designation Birth entry entry in Regular in Govt. Grade 17 appoint- Service. tment to present grade. 1 2 3 4 5 6 7

Note. (1) Date of regular appointment to present grade should be the date of assumption of

actual charge in the Grade after issue of promotion/appointment orders by the competent authority.

(2) In the remarks column entries such as serving on deputation to (specify the organisation) with effect from------- should be made.

(3) Where seniority has been assigned from a date other than the date of regular

appointment, the reason for this may be given in the remarks column.

SI. No. 146

In the Establishment Division Office Memorandum No. 1/9/74-ARC, dated the 12th September, 1974 in which the Ministries and Divisions were requested to prepare seniority lists grade-wise. It was provided that in the case of appointments made by promotion, seniority in a particular grade should be determined according to sub-section (4) of section 8 of the Civil Servants Act, 1973, namely from the date of regular appointment to a post in a grade.

2. A number of references have been received in the Establishment Division enquiring whether the seniorities in various grades which had already been established according to the previous rules on the subject differently from the principle of date of regular appointment to a grade could not be modified in accordance with the provisions of sub-section (4) of section 8 of the Civil Servants Act, 1973. The matter has been examined in consultation with the Law Division. The position is that consequent upon the Administrative Reforms, certain cadres have been transformed _ into occupational groups but the composition of the cadres comprising these groups has remained intact. Examples are; the Income Tax Group, the Customs and Excise Group, the Military Lands and Cantonments Group etc. However, in the case of certain other groups-for example the Accounts Group and the Secretariat Group - a number of cadres have been amalgamated to form a new group or cadre. In the case of groups where the cadre has not been amalgamated with any other cadre, the seniority in different grades as determined under the previous rules before the promulgation of the Civil Servants Ordinance, 1973 (15-8-1973) shall not be disturbed. However, seniority of persons promoted to higher grades after 15-8-1973 shall be determined strictly in accordance with the provisions of sub-section (4) of section 8 of the Civil Servants Act, 1973.

3. In regard to occupational groups which have been formed by amalgamating more than one cadre, no such protection of seniority is either permissible or practicable. The old cadres having ceased to exist, the

seniorities in the newly formed groups have to be determined afresh and shall be fixed in accordance with the date of regular appointment to posts in the respective grades.

4. The instructions issued in the Establishment Division Office Memorandum No. 1/9/74-ARC, dated 12-9-1974 and the relevant provisions regarding seniority contained in the instructions about constitution of various occupational groups may be deemed to have been modified to the above extent.

[Authority.- Estt. Division O.M.No. 1/36/75-D.II, dated 1-9-1975].

Civil Servants (Seniority) Rules, 1993

SI. No. 147

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with section 8 thereof, the President is pleased to make the following rules, namely: —

1. Short title, application and commencement.—(1) These rules may be called the Civil Servants (Seniority) Rules, 1993.

(2) They shall apply to all civil servants except those governed under: —

(i) | the Police Service of Pakistan (Composition Cadre and Seniority) Rules, 1985;

(ii) | the Occupational Group and Services (Probation, Training and Seniority) Rules, 1990; and

(iii) the Establishment Division's O.M. No.1/2/74-ARC, dated 23rd January, 1974, amended vide O.M. No.2/1/75-ARC, dated 3rd March, 1976, and as amended from time to time.

(3) They shall come into force at once.

2. Seniority on initial appointment.—(1) Persons initially appointed on the recommendations of the selection authority through an earlier open advertisement shall rank senior to those appointed through a subsequent open advertisement.

(2) If two or more persons are recommended in open advertisement by the selection authority their inter se seniority shall be determined in order of merit assigned by the selection authority.

(3) If only one candidate is recommended in open advertisement by the selection authority, he shall count his seniority from: —

(a) the date of recommendation by the selection authority, if he was already holding the same post.

(b) the date of his joining the post after being recommended by the selection authority if he was not already holding the same post.

3. Seniority on promotion.—Seniority in a service, cadre or post to which a civil servant is promoted shall take effect from the date of regular promotion to that service, cadre or posts:—

Provided that—

(a) Civil servants selected for promotion to higher posts on an earlier date shall be senior to those selected for such promotion on a later date;

(b

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Civil servants selected for promotion to higher posts in one batch shall on their promotion to the higher post, retain their inter se seniority as in the lower post; and

(c) Civil servants eligible for promotion who could not be considered for promotion in the original reference in circumstances beyond their control or whose case was deferred while their juniors were promoted to the higher post, shall, on promotion, without supersession, take their seniority with the original batch.

4. Seniority on appointment by transfer.—Seniority in service, cadre or post to which a civil Servant is appointed by transfer shall take effect from the date of regular appointment to the service, cadre or post;

Provided that—

(a) persons belonging to the same service, cadre or post selected for appointment by transfer to a service, cadre or post in one batch shall, on their appointment, take inter se seniority in the order of their date of regular appointment in their previous service, cadre or post; and

(b) persons belonging to different services, cadre or posts selected for appointment by transfer in one batch shall take their inter se seniority

in the order of the date of their regular appointment to the post which they were holding before such appointment and, where such date is the same, the person older in age shall rank senior.

*[4A. In the event of merger of Ministries, Divisions, Attached Departments or Subordinate Offices, the inter se seniority of civil servants, other than those belonging to regularly constituted Occupational Groups and Services, shall be determined in accordance with the date of regular appointment to a cadre or post].

*Added vide Establishment Division Notification S.R.O. No.01(I)/2002 dated 1-1-2002.

5. Seniority of officers of the Armed Forces on induction in civil posts.—Officers of the Armed Forces of Pakistan who are inducted in a civil service, cadre or post in accordance with the Government orders and instructions shall take seniority in that service, cadre or post from the date of such induction:

Provided that the officers inducted in one batch shall, on induction, retain their inter se seniority as in the Armed Forces of Pakistan.

6. Inter se seniority of civil servants appointed in the same calendar year.—Persons appointed by transfer in a particular calendar year shall, as a class, be senior to those appointed by promotion or by initial appointment to such posts in that year, and persons promoted to higher posts in a particular calendar year shall, as a class, be senior to those appointed by initial appointment to such posts in that year.

7. Repeal and savings.—The General Principles of seniority circulated vide Establishment Division's O.M.No.1/16/ 69-D.Il, dated the 31st December, 1970, and all other existing rules, orders and instructions relating to seniority except—

(i) the Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985;

(ii) the Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990; and

(iii) the Establishment Division's O.M.No.1/2/74-ARC dated 23rd January, 1974, amended vide O.M. No. 2/1/75-ARC, dated the 3rd March, 1976 and as amended from time to time.

are hereby repealed.

[Authority.— Establishment Division Notification No. S.R.O. 163(I)/93, dated 28-2-1993].

SECTION ‘D'

PROMOTIONS Selection and non-selection posts

SI. No. 148

Higher tenure posts at the Centre.- Government of Pakistan have decided that it should be brought home once more to all concerned that higher tenure posts at the Centre (as in the Provinces) are selection posts which no officer can claim as of right.

[Authority.- Estt. Secretary's D.O letter No.F.2(36)/60-EIX, dated 24-4-1968]. SI. No. 149

Other posts in the Federal Secretariat, Attached Departments and Subordinate Offices.- It has been decided that, with the exception of posts of-

(i) Assistant Secretary; (il) Administrative Officer; (iti) Cashier; and

(iv) Personal Assistants to Ministers and Stenographers to Secretaries, Joint Secretaries and other officers which carry special pay which should be treated as selection posts, the various posts in the Ministerial Establishment and 'Class IV Service in the Pakistan Federal Secretariat (Ministries and Divisions) and its Attached Departments, should be treated as non-selection posts i.e., posts to which promotion should be made according to the principle of "seniority-cum- fitness". For this purpose, it is essential that the standard of fitness

should be a very high one. The decision contained in this Office Memorandum should apply to vacancies which are filled from the date of this Office Memorandum.

“Note.- Appointment of Jamadars attached to Ministers are made by selection from amongst the Naib Quasids employed in the Ministry/Division concerned at the discretion of the Minister-in-Charge vide Establishment Division Office Memorandum No. 54/4/51-ME, dated 2-6-1951.

Date as Omitted.............

3. If there are any posts in the Secretariat and its Attached Departments corresponding to the posts of Assistant Secretaries or Administrative Officers, the question whether they should be treated as selection posts should be decided in consultation with the Establishment Division.

A. It is requested that posts in Subordinate Offices should also be classified as selection and non-selection posts by the Ministries concerned, in the light of the instructions contained in this Office Memorandum since it is necessary that the position in this respect should be placed on definite and regular footing, as early as possible.

[Authority.- Cabinet Secretariat, Estt.Branch O.M.No.54/2/49-Ests.(ME), dated 3-4-1950].

SI. No. 150

The various posts in the ministerial establishment of the Federal Secretariat and its Attached Departments are treated as "selection" and "non-selection" posts, when they are filled by promotion. For this purpose, selection posts mean posts promotion to which is strictly made on merit, seniority playing its part only when other things are equal and non-selection posts are those promotion to which is made according to the principle of seniority subject to fitness. Promotion to posts which are filled on the basis of selection is to be made on the recommendations of the Departmental Promotion Committee of the Ministry/Division concerned, vide Establishment Division Office Memorandum No. 33/\/47-Ests. (SEIl), dated the 29th January, 1948.

2. The posts of Assistant-in-Charge, Council Assistant and Cashier are selection posts, vide Establishment Division Office Memoranda No.1/15/57, EXV. dated the 29th October, 1960; 1/29/56-ME, dated the 25th

April, 1957 and 54/2/49-Ests(ME), dated the 3rd April, 1950, respectively. It has been brought to the notice of the Establishment Division that the posts mentioned above are sometimes not filled by Ministries/Divisions and Attached Departments on the recommendations of properly constituted Departmental Promotion Committees.

3. The Ministries/Divisions/Attached Departments should kindly note these instructions and take steps to ensure that these posts are filled strictly in accordance with the instructions issued by the Establishment Division in this regard.

[Authority.- Estt. Division O.M.No.18/4/64-F.II, dated 25-7-1964].

SI. No. 151

Superintendents: Instructions were issued vide Establishment Division Office Memorandum No. 54/2/49-(ME), dated the 3rd April, 1950 that the posts of Superintendent in the Pakistan Central Secretariat and its Attached Departments should be treated as non-selection posts for the purpose of promotion.

2. In connection with the interim report of the Committee appointed to review the organisation, structure and level of expenditure of Ministries, etc., several Ministries have reported that the decision to treat these posts as non-selection posts has lowered the standard of efficiency, and have recommended that the posts of Superintendent should be treated as selection posts.

3. The question has been further considered by the Establishment Division who have decided that the posts of Superintendent in the Secretariat and its Attached Departments should be treated as selection posts. This decision will have effect from the date of the issue of these orders.

4. For the present, no change is intended in regard to Assistants and Assistants-in-Charge whose appointment will continue to be made on the basis of seniority subject-to-fitness. It is reiterated, however, that it is essential that the standard of fitness should be a very high one if efficiency is

not to suffer; and the attention of all Departmental Promotion Committees should please be drawn to this.

[Authority.- Estt. Division O.M. No. 54/26/50-ME, dated 22-5-1951]. SI. No. 152

Assistant-in-Charge: Attention is invited to Establishment Division Office Memorandum No. 54/2/49-Ests (ME), dated the 3rd April, 1950 in which it was stated that the post of Assistant-in-Charge in the Central Secretariat and its Attached Departments should be treated as non-selection post /.e. post to which promotion should be made according to the principle of “seniority-cum-fitness', and that for this purpose, the standard of fitness should be a very high one. This was reiterated in the Establishment Division Office Memorandum No. 54/26/50-ME, dated the 22nd May, 1951.

2. Some time ago the question arose whether the post of Assistant- in-Charge should be re-classified as a "Selection post" like that of Superintendent in view of the fact that the duties of the two posts are similar in character. The Ministry of Finance, etc., were requested to communicate their views to the Establishment Division vide their Office Memorandum No. 1/15/57-ME, dated the 9th October, 1957. The replies received from the Ministries and Divisions reveal that a majority are in favour of the proposed change. As the duties of the post of Assistant-in-Charge are similar in character to those of Superintendent, it has therefore been decided that the post of Assistant-in-Charge should be reclassified as a "Selection post" promotion to which should be made strictly on merit (Seniority playing its part only when other things are equal) from amongst those Assistants who are permanent or eligible for confirmation and have put in at least three years service in that grade.

3. The decision contained in this Office Memorandum should apply to vacancies which are filled in future.

[Authority.- Estt. Division O.M.No.1/15/57-E.XV, dated 29-10-1960].

SL. No. 153

Reference.- Establishment Division Office Memorandum No. 1/29/56-ME, dated the 25th April, 1956 (Not re-produced).

Council Assistant.- The majority of the replies received in the Establishment Division agree that:-

(a) Council Assistant should be appointed from among Assistants only, and that,

(b) the appointment of Council Assistants should be made by *Selection’.

The above views have been accepted by the Establishment Division. If however, suitable Assistants in a Ministry/Division are not available for employment as Council Assistants, Upper Division Clerks may also be considered for employment as such.

2. Ministries/Divisions are requested to make all further appointments of Council Assistant in the light of the above decision.

[Authority.- Estt. Division O.M.No. 1/29/56-ME, dated 25-4-1957].

SI. No. 154

Selection to be based more on merit than on seniority.- The existing promotion rules should be implemented carefully so as to base selection more on merit than on seniority in the case of selection posts.

[Authority.- Estt. Secretary's d.o. letter No. 7/30/59-SE II, dated 22-9-1959].

SI. No. 155

Principles of promotions to and confirmation in "Selection posts”.- Attention is invited to paragraph 2 of the Establishment Division Office Memorandum No. 54/2/49-Ests. (ME), dated the 17th January, 1949 in which views of Ministries were invited on the following points :-

(a) *A’ was appointed to officiate in a selection post after having been formally selected from amongst various possible candidates, from which he reverted after the expiry of the period of the vacancy. During this period his work was satisfactory. Subsequently, another vacancy occurred in the same grade. Should "A" be appointed to this vacancy automatically (by virtue of his previous selection) or fresh selection be made.

(b) Whether reversions from or confirmations in selection posts should follow the order in which the persons concerned were promoted to the posts in question (i.e. the candidates first appointed to officiate in the selection post should be confirmed when a permanent vacancy occurs and the candidate last appointed to officiate reverted when a vacancy terminates), or fresh selection should be made from amongst persons officiating in the selection posts each time a permanent vacancy occurs or a vacancy terminates.

The question has been considered in the light of the replies received from Ministries and the opinion of the Federal Public Service Commission, and the following instructions are issued.

2. AS regards (a), in accordance with the instructions contained in the Establishment Division Office Memoranda No. F. 33/l/47-Ests (SEll), dated the 29th January, 1948 and No. 33/49-SE, dated the 18th June, 1949 - Departmental Promotion Committees are required to prepare a list of officers whom they consider fit for promotion in selection posts. This list, which should be revised periodically, should indicate the names of officers who have not been promoted to a higher grade in any capacity, or who have officiated off and on or are officiating against any leave vacancies, or any temporary posts of short duration, and are, therefore, liable to revert in the normal course to the lower grade. The position would thus be that, if "A" is appointed on the recommendations of the Departmental Promotion Committee to a selection post for a short period, after which he reverts to the lower grade, for no fault of his own, he should be promoted automatically by the appointing authority in the next vacancy that arises if the list is not revised by the Departmental Promotion Committee before the material vacancy arises, or, if the list has in the meantime been revised his position still remains No. 1 on the revised list. In other words, there should be no question of selection when a vacancy occurs; the vacancy should be filled by the promotion of the official who tops the list prepared by the Departmental Promotion Committee and which is in force at the time when the vacancy is filled.

3. As regards (b), reversions should be made in the reverse order of promotion, and confirmations should follow the order of seniority in the grade concerned. In other words, there should be no fresh selection either for the purpose of reversion or for confirmations.

4. While the list of officials recommended by the Departmental Promotion Committee for promotion to selection posts is being prepared, the claims of all officials eligible for promotion to the grade concerned, including those who happen to be absent from the office for one reason or the other, should be duly considered, and it should be recorded on the file that this has been done. In this connection attention is also invited to paragraph 5 of the Establishment Division Office Memorandum No. 6/15/48-ME, dated the 31st March, 1951.

[Authority.- Estt. Division O.M. No. 54/10/51-ME, dated 31-8-1951].

General Instructions regarding promotions

SI. No. 156 Sequence in departmental promotions and direct recruitment. -

Reference.- Establishment Division Office Memorandum No. 15/38/52-SEIl, dated the 22nd June, 1953 (Annexure).

The replies received from the Ministries and Divisions on the suggestions contained in the above Memorandum have been considered and, in order to ensure that candidates rejected by the Federal Public

Service Commission in open competition or selection should not be absorbed in vacancies meant for departmental quotas, it has been decided that the following procedure should be adopted in future :-

(i) Where a cadre has definite quotas reserved for departmental promotions and direct recruitment, promotions against the departmental quota should be made first and the posts reserved for direct recruitment filled later. These orders, however, will have no effect on those cadres where recruitment is made solely by direct recruitment or where all appointments are made only by promotion;

(ii) necessary provision regarding the above should be made in all recruitment rules already framed or framed hereafter; and

(it) in the case of isolated posts, a roster should be maintained in each Ministry and Division to ensure the observance of the prescribed percentage for departmental promotions and direct recruitment.

[Authority.- Estt. Division O.M.No.15/38/52-SE II, dated 29-1-1954].

ANNEXURE

Copy of Establishment Division O.M. No. 15/38/52-SE Il, dated the 22nd June, 1953.

In the case of services and cadres in which under the prescribed recruitment rules a certain percentage of vacancies is reserved for departmental promotion and the remainder for direct recruitment, no uniform procedure is followed as to the sequence in which these vacancies should be filled, that is, whether promotions should be made first and direct recruitment made later or vice versa. The Establishment Division have been considering the question of laying down a uniform procedure in this matter and have tentatively come to the conclusion that it would be an advantage both from the point of view of the Department as well as the candidates if promotions are made first and vacancies reserved for direct recruitment filled later. There are, however, advantages and disadvantages on both sides,

and these are discussed below:

(i)

Promotions to departmental quota to be made first and direct recruitment made later:

Under this system the department concerned can straight away promote the suitable departmental candidates and, having done so, intimate the vacancies meant for direct recruitment to the Federal Public Service Commission. If all the vacancies reserved for promotion cannot be filled due to the dearth of suitable departmental candidates the balance can, if necessary, be added to those reserved for direct recruitment. This system assures promotion to the candidates working in the department according to the principle of seniority-cum-fitness without undue delay and they are not left in suspense as to whether or not they should apply to the Commission. if any of the depart-mental candidates are superseded in departmental promotion, they still have a chance to compete with outside candidates and may thereby be selected as being more suitable in comparison with such candidates. This system, therefore, assures promotion to departmental candidates without their having to wait till the vacancies, etc., are advertised by the Commission, while those superseded in departmental promotion can still appear before the Commission.

A further advantage from the point of view of departmental men is that they will rank senior to outside candidates selected through direct recruitment as_ their appointments can be finalized earlier than those of the later.

A disadvantage which might result from this system is that it may not always be possible in actual practice to follow it due to the exigencies of service which may in certain cases necessitate direct recruitment being made first and appointments by departmental promotion later. Such cases, as far as can be seen, are likely to be rare and on the whole

it appears that there are definite advantages in following the system whereby recruitment against the departmental quota should precede that through open selection.

(ii) Recruitment by open selection to be made first and by departmental promotions later:

One of the results of this procedure will be that larger number of open vacancies will go to departmental candidates in as much as they will be able in the first place to compete with outsiders in open selection and be approved by the Commission on the basis of their long experience and knowledge of the Department. Those who are not selected in the open selection can again be considered for departmental promotion and receive promotion according to departmental seniority. This system, however, is bound to result in deterioration of efficiency since those who are not considered fit by the Commission can still be appointed to higher posts by departmental promotion and the advantage of having fresh blood in the service which the open selection quota in a service is intended to provide will be seriously jeopardized. Apart from the resultant deterioration, this system has a further grave objection in as much as a person rejected by the Commission would still be able to secure a like post through departmental promotion.

2. The Federal Public Service Commission who raised this matter, have suggested that departments should first promote the deserving individuals against the quota fixed for promotion and then throw open the remaining posts for open competition. In accordance with this procedure, no one who has been rejected by the Commission or has not faced any competition will be promoted. This is evidently sound in_ principle.

3. Considering all the facts, the Establishment Division are of the view that the alternative at (i) above has definite advantages from the point of view of efficiency in public service and the safeguarding of the legitimate interests of the departmental candidates and they are, therefore, inclined to issue orders for its adoption by all Ministries/Divisions/Departments. Before,

however, a final decision is taken, Ministries and Divisions are requested kindly to favour the Establishment Division with their views in the matter.

SI. No. 157

Minimum length of service for eligibility for promotion for various grades.- In pursuance of rule 8-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and in supersession of the instructions laid down in the Establishment Division's O.M.No.1/9/80 R.II(A), dated the 12th January, 1981, (Annexure), the President is pleased to decide that the minimum length of service for promotion to various grades shall be as follows:-

For Grade 18 5 years in Grade 17 For Grade 19 12 years in Grade 17 and above For Grade 20 17 years in Grade 17 and above For Grade 21 22 years in Grade 17 and above Provided that:- (i) Where initial appointment of a person not being a person in

government service takes place in a post in BPS 18, 19 or 20 the length of service specified in this Office Memorandum shall be reduced by the following periods;

First appointment in Reduced by Grade-18 5 years Grade-19 12 years Grade-20 17 years

(ii) Where initial appointment of a person already in government service takes place, on recommendations of the Federal

Public Service Commission, in a post in BPS 18, 19 or 20, the length of service specified in this Office Memorandum shall be reduced by the periods specified in proviso (i);

(ili) Where first appointment of a person other than a person covered by proviso (li) was made to government service in BPS 16 or below, one-half of the service in BPS 16 and one fourth in BPS 15 and below may be counted as service in BPS 17 for computing length of service for the purpose of promotion only.

[Authority.- Estt. Division. 0.M.No.1/9/80-R.2 dated 2-6-1983].

ANNEXURE Copy of O.M.No.1/9/80-R-II(A),dated 12th January, 1981.

Reference Establishment Division O.M. No. 3/7/74-AR. II, dated 20th May, 1974, 27th August, 1974 and 6th February, 1975, in supersession of the instructions laid down in the aforementioned O.M. the President is pleased to decide that the minimum length of service for promotion to various grades shall be as follows :-

For Grade 18 5 years in Grade 17.

For Grade 19 12 years in Grade 17 and above. For Grade 20 17 years in Grade 17 and above. For Grade 21 22 years in Grade 17 and above.

Provided that where initial appointment takes place in Grades 18, 19 and 20, the length of service for promotion to higher Grades shall be as follows, namely :-

For Grade 19 7 years in Grade 18

For Grade 20 12 years in Grade 18 and above or 5 years in Grade 19

For Grade 21 17 years in Grade 18 and above or 5 years in Grade 20 SI. No. 158

Counting of ad hoc service for the purpose of promotion.- Under the existing rules ad hoc service does not reckon for the purpose of seniority. A point has since been raised whether ad hoc service rendered in a post followed by regular appointment to that post may be allowed to be computed towards length of service prescribed for promotion to a higher post. The matter has been considered in the Establishment Division. It has been decided that the service rendered on ad hoc basis in a post under the Federal Government, followed by regular appointment to a post in the same pay scale shall be counted towards length of service prescribed for promotion to a higher post provided there is no break between ad hoc and regular appointments to the post concerned.

2. The above decision may be brought to the notice of all departments/organizations under the administrative control — of Ministries/Divisions.

[Authority.- Estt. Divisions O.M.No.10/22/83-R.2, dated 20-3-1988].

SL. No. 159

Length of service for promotion from Grade-16 to Grade-18 where there is no intermediate post in Grade-17.- The minimum length of service for promotion to Grade 18 and above was laid down vide Establishment Division's Office Memorandum No.1/9/80-R.II, dated 12th January, 1981. The question as to what should be the length of service for promotion from Grade 16 to Grade 18 where there is no intermediate post in Grade 17 has been considered and it has been decided, with the approval of the President, that in such cases the minimum length of service laid down in the recruitment rules relating to posts in Grade 18 for the purpose of promotion from Grade 16 to Grade 18 should be kept as the basis for such promotions.

2. In case there is no such provision in the recruitment rules, action should be taken by the respective Ministry/Division to include such a provision in the recruitment rules.

[Authority.- Estt. Division O.M.No.1/9/80-R.2, dated 4-5-1982].

SI. No. 160

Possession of prescribed minimum length of service does not confer

a right to promotion over senior persons.- The prescribed minimum length of service is a condition for eligibility for promotion and does not confer a right to promotion. Where a senior person has not done prescribed service, the junior, as a rule, should not be considered even if he fulfills the prescribed length of service condition.

2. Even for "selection" post, the persons have to be considered in the order of their seniority.

[Authority.- Estt. Division U.0.No.1/21/75-D.II. dated 9-7-1975]. SI. No. 161

Promotion of superseded officers.- A question has arisen as to whether a junior officer, who was earlier recommended for promotion but could not be promoted due to non-availability of vacancy should be promoted first in preference to his senior officer who was subsequently recommended for promotion. Attention of the Ministries/Divisions is drawn to the instructions contained in the Establishment Division O.M.No.F. 33/49-SE, dated 18-6-1949 in which it has been stated that the Departmental Promotion Committee is competent to revise the list of candidates fit for promotion periodically. It means that the Departmental Promotion Committee can add to or substract from it, for good and sufficient reasons. After careful consideration, it is now decided that if a vacancy occurs at a time when a senior officer is recommended for promotion, his junior who was recommended earlier will have to be promoted later than the passed over officer.

2. It may be pointed out that Departmental Promotion Committee is only the recommending body to determine the initial suitability of persons eligible for promotion.

[Authority.- Estt. Division O.M.No.13/1/67-D. III, dated 30-4-1968].

Promotion Policy

SL. No. 162

The legal frame-work for promotion and its procedures has been provided in the Civil Servants Act, 1973 and the Civil Servants (Appointment, Promotion and Transfers) Rules, 1973. The Law and Rules, by themselves, are not enough to meet the functional requirements and need to be supplemented by a comprehensive and consistent set of policy guidelines.

2. Comprehensive guidelines for Departmental Promotion Committees/Central Selection Boards have, therefore, been framed with the approval of the President.

3. Salient features of the policy are enumerated below:-

1. Confidential reports will be given due importance but will not be the sole criterion for promotion to selection posts.

2. Performance evaluation as reflected in the confidential reports will be quantified according to formula enunciated in the enclosed guidelines and weightage will be given to more recent appointments.

3. A civil servant, once superseded for promotion will be eligible for reconsideration only after he earns one more confidential report.

4. The panel for promotion should comprise a minimum of 2

officers for each vacancy in grade 19 and of 3 officers for each vacancy in grade 20 or 21.

5. The minimum length of service prescribed for promotion for various grades will continue to apply.

6. A civil servant will only be promoted within his own cadre. Those posted against ex-cadre posts will be considered for promotion on their turn but if selected, the actual promotion will take place only when they rejoin their parent cadre. This will also apply to civil servants serving on ex-cadre posts in Pakistan Missions abroad.

A civil servant on deputation to a foreign government, international agency or a private organisation abroad will be considered for promotion only on his return to Pakistan. He will be given intimation and asked to return to Pakistan before his case comes up for consideration for promotion in accordance with his seniority position, if he fails to return he will not be considered for promotion. Such an officer will have to earn at least one CR after his return to Pakistan before he is considered for promotion. The clearance/ approval already accorded in the past to promote a deputationist would lapse automatically if he fails to return on expiry of the deputation period already approved by the Government.

[Authority.- Establishment Secretary's d.o. Letter No.10(3)/81-CPI (Pt),dated 31-10-1982].

SI. No. 163

The concept of ‘quantification’ was introduced for processing promotion cases but its very success and wider use has given rise to some unintended consequences indicated below:-

(i)

Although an average ACR is satisfactory and should statistically describe a majority of individuals, it has assumed an adverse aura. A contributory factor has been the 4 marks assigned to it in quantification although this did not affect promotion to non-selection posts since the eligibility threshold was also kept to a score of 40 marks only. The respective thresholds were kept higher for selection posts as "satisfactory performance" was not the most reliable indication for an officer's capacity to pull on equally well at the next higher level. These considerations do not remain valid however when quantification is extended to

(ii)

review/disciplinary cases and for postings abroad. In such cases, suitability can be judged strictly on performance at the individual's current level and no adverse inference should be drawn from an average (satisfactory) report.

The other noticeable trend is towards "Inflated" reporting. To some extent this problem was always around but higher eligibility thresholds fixed for selection posts have added to the pressure on reporting/countersigning officers to be overly generous in their assessments. This trend has touched such proportions that the majority of assessments may well be closer to objectivity if reduced by one rung. In other words, most of the average officers are being graded as ‘good’ and the good as ‘very good’. This acts to the disadvantage of the genuinely outstanding officers. Statistically, the latter should comprise around 3 to 5 per cent whereas many Divisions now boast of 30 or 40 per cent officers in the ‘very good' category of their reports are to be believed.

2. In resolving these difficulties, the following parameters were kept

in view :-

(a)

(b)

(c)

the responsibility for accurate assessments should remain squarely on reporting/ countersigning officers with minimum interference by Establishment Division;

it should require little or no change in the present ACR form; and

the new pattern should be easily extendable to cover past confidential reports.

3. The following decisions have accordingly been taken :-

(i)

The marks assigned to an average report have been raised to 5 i.e. the middle point on the scale from 0-10 marks. The

minimum qualifying score for promotion to non-selection posts (upto pay scale 18) would correspondingly be 50 marks. The eligibility thresholds for selection posts would remain unaffected.

(il) The marks for a ‘very good' report have been reduced to 8 and a new entry for ‘outstanding’ carrying 10 marks has been added to the existing gradings. In exceptional cases where the reporting/ counter-signing officers want to rate an officer as ‘outstanding’, they may draw in their own hand another box in Part VI of the ACR form, initial it and write ‘outstanding’ on the descriptive side. They would also he required to fully justify this assessment in Part V(c) (by the reporting officer) and Part VII (a) (by the countersigning officer). Unless so justified, the assessment would only be deemed to be ‘very good' carrying 8 marks.

(ili) For past reports, a very good grading will be considered as outstanding and carry 10 marks only if (i) all except one or two entries in Parts II to IV of the current ACR form or Part II in the previous format are very good (Al) or (ii) accelerated promotion was recommended.

4. The relevant provisions have been incorporated in the promotion policy. A copy of the revised guidelines and addendum is enclosed. They would replace the existing guidelines and addendum.

[Authority.- Estt. Secretary's d.o. Letter No.10(10)/85-CP-1 dated 15-5-1985].

GUIDELINES FOR DEPARTMENTAL PROMOTION COMMITTEES/CENTRAL SELECTION BOARDS

|. General

1. The DPC/CSB shall consider the cases of eligible civil servants in order of seniority and either:-

(a)

(b) (c)

recommend a civil servant for promotion to the next higher

post; or

recommend a civil Servant for Supersession; or

defer consideration of a civil servant's promotion provided that this step will be taken only if:-

(i)

(ii)

(ii)

(iv)

(v)

(vi)

the CR dossier is incomplete or any _ other document/information required by the DPC/CSB for determining a civil servant's suitability for promotion is not available; or

disciplinary or departmental proceedings are pending against the civil servant whose promotion case comes up for consideration before the DPC/CSB; or the civil servant is on deputation abroad to a foreign government, private organisation or international agency; or

the civil servant does not possess the requisite length of service; or

the civil servant has not undergone the prescribed training or passed the departmental examination for reasons beyond his control; or

the civil servant's inter se seniority is subjudice.

(2. If a civil servant is superseded he will not be considered for

promotion unless he has earned PERs for two full years. If he is again superseded, he shall lose eligibility for further consideration].

*Substituted vide Establishment Division O.M.No.1/1/2001-CP.II, dated 3-9-2005.

3. The civil servant whose promotion has been deferred will be considered as soon as the reason on the basis of which deferment took place ceases to exist provided that a civil servant falling in the category mentioned in 1(c) (iii) above will be considered for promotion only on his return to Pakistan. If such an officer fails to return on expiry of his approved deputation period, he will have to earn at least one ACR after his return to Pakistan before he is considered for promotion.

4. For the purpose of consideration by the DPC/CSB the ACRs will be quantified according to the formula given in the addendum. The civil servants who fail to come up to the qualifying score shall not normally be considered for promotion. Relaxation of this condition may only be recommended by the DPC/CSB after recording detailed reasons for the approval of the competent authority.

Il. Promotions on Seniority-cum-Fitness Basis

1. Posts carrying basic pay scale 18 or below are non-selection posts. Promotions to these posts are to be processed by the DPCs on the basis of seniority-cum-fitness. Fitness would be assessed primarily on the officer's work in the lower post.

2. For promotion to a post in basic pay scale 18, however, a civil servant must fulfil the following additional requirements:

(a) Qualifying Service: possess five years service as an officer subject to the provisions contained in Establishment Division's O.M. No. 1/9/80-R-II (A), dated 2-6-1983.

(b) Eligibility threshold: attain a minimum score of 50 marks for

his CRs in accordance with the formula given in the addendum.

3. If only 2 reports or less have been recorded on a civil servant's work against a post in basic pay scale 17, the reports earned by him in the next lower posts should also be included in the quantification.

Ill. Promotion to Selection Posts

1. Posts in basic pay scale 19 or higher are selection posts. Promotions to these posts are to be processed through the Central Selection Boards.

2. In order to ensure that selection by these Boards does not amount to a mere elimination of the unfit the Establishment Division shall place a larger panel of eligible officers before the Boards. Depending on the availability of eligible officers in a cadre, the number of officers to be included in the panel shall be as follows:-

(a) for promotion to A minimum of 2 officers supervisory posts. for every vacancy. (b) for promotion to A minimum of 3 officers middle and senior for every vacancy. management posts.

3. For selection posts, entries under “quality and output of work" and “Integrity” in all the ACRs recorded on the civil servant during his service as an officer will also be quantified in accordance with formula given in the Addendum. These Marks shall be a crucial factor in determining comparative merit of officers for promotion to selection posts.

4. Posts carrying basic pay scale 19 are generally supervisory posts. Supervision can be effective only if the supervisor has the relevant experience. These officers are also required to make contribution to policy-making at the lowest rung of the policy-making hierarchy. For promotion to these posts, therefore,a civil servant must fulfil the following requirements:-

(a)

(b)

(c)

(d)

(e)

Qualifying Service: possess 12 years service as an officer subject to the provisions contained in Establishment Division's O.M. No. 1/9/80-R-II (A), dated 2-6-1983.

Eligibility threshold attain a minimum score of 60 marks in the CRs in accordance with the formula given in the addendum.

Qualifications: as prescribed by the relevant recruitment rules.

Relevance of Experience: possess experience relevant to the functions of the post to which promotion is being made.

“Quality and Output of Work" and “Integrity” marks calculated in accordance with the formula in the Addendum shall be important factors in determining the comparative merit of an Officer.

5. Posts carrying basic pay scale 20 are middle management posts. Field offices are generally headed by the officers in this scale. It is, therefore, essential that in addition to the relevance of experience these officers must also have a sufficient variety and width of experience so that:

(i)

(ii)

they acquire an overview of the functions performed by these organizations within the broader framework of government's overall objectives/ activities to ensure smooth and effective management at the field level; and

they can lend pragmatism to policy formulation § in assignments at the Secretariat.

Variety of experience would include experience in the field, corporations, attached departments, different Ministries/Divisions and in our Missions abroad. For promotion to middle management posts, a civil servant must fulfil the following requirements:-

(a)

Qualifying Service: possess 17 years service as an officer subject to the provisions contained in Establishment

(b)

(c)

(d)

(e)

(f)

(9)

Division's O.M. No. 1/9/80-R-II (A), dated 2-6-1983.

Eligibility threshold: attain a minimum score of 70 marks in the CRs in accordance with the formula given in the Addendum.

Qualifications: as prescribed by relevant recruitment rules.

Relevance of Experience: possess experience relevant to the functions of the post to which promotion is being made.

“Quality and Output of Work" and "Integrity": marks calculated in accordance with the formula in the Addendum shall be a crucial factor in determining the comparative merit of an officer.

Variety of experience: the Selection Board should give due consideration to the nature of duties, duration and location of posts previously held by the officer. Depending on the post to be filled, an officer possessing well rounded experience should normally be preferred particularly if he has served with distinction in unattractive areas. While some exposure to a corporation, autonomous body or an _ ex-cadre assignment may be considered a positive feature, this would not be so where an officer has stayed away from his parent cadre for too long.

Training: should have successfully completed a regular course at NIPA or an equivalent course in another institution.

6. Posts carrying basic pay scale 21 fall in senior management involving important policy-making or extensive administrative jurisdictions. In addition to the circulation value and variety of experience the incumbents must possess proven analytical competence, breadth of vision, emotional maturity and such other qualities as determine the potential for successfully

holding posts in top management. This potential cannot be judged by mathematical formula. The Selection Board will have to apply its collective wisdom to determine the same. A civil servant must fulfil the following conditions for promotion to senior management post :-

(a)

(b)

(c)

(d)

(e)

(f)

(9)

Qualifying Service: possess 22 years service as an officer subject to the provisions contained in Establishment Division's O.M. No. 1/9/80-R-II (A), dated 2-6-1983.

Eligibility threshold: attain a minimum score of 70 marks in CRs in accordance with the formula given in the Addendum.

Qualifications: as are prescribed by relevant recruitment rules.

Relevance of Experience: possess experience relevant to the functions of the post being filled by promotion.

“Quality and Output of Work" and "Integrity": marks calculated in accordance with the formula in the Addendum shall be a crucial factor in determining the comparative merit of an officer.

Variety of Experience: the Selection Board should give careful consideration to the nature of duties, duration and location of posts previously held by the officer. At this level, a proper assessment under the criterion may require some distinction between hard or taxing assignments (on account of work load or its complexity) viz-a-viz relatively routine duties particularly in the secretariat. Depending on the posts to be filled, an officer possessing well rounded experience with adequate exposure to difficult assignments should normally be preferred.

Training: should have successfully completed a regular course at the Pakistan Administrative Staff College/National Defence College. This requirement will be waived for officers

who:

(i) have served as head of a training institution for at least one year; or

(ii) have served on the directing staff of a training institution for at least two years; or

(iti) have exceeded the age of 56 years.

(h) Top Management Potential: since officers promoted to this level may be called upon to hold independent charge of a Ministry/Division or to head a major corporation, the Board should satisfy itself about the officer's maturity, balance and ability to assume such top management positions even at short notice.

IV. Specialist Cadres

Part Il and III of the guidelines will not be strictly applicable to civil servants who are in specialist cadres such as doctors, teachers and professors, research scientists and incumbents of purely technical posts for promotion within their own line of specialism. The criteria for promotion in their case would continue to be the technical qualifications, experience and accomplishments (research, publications etc.) relevant to their specialism.

Addendum QUANTIFYING THE CONFIDENTIAL REPORTS l. OVERALL ASSESSMENT 1. All Confidential Reports (CRs) recorded during service as an officer will be considered for promotion to posts carrying basic pay scales 18

to 21 or equivalent.

2. (a) The overall gradings in the CRs are allocated the following

marks:

Overall Grading Marks (i) Outstanding 10

(il) Very Good 8

(iii) Good 7

(iv) Average 5

(v) Below Average 1

(vi) Poor 0

(b) Separate grading of ‘outstanding’ has now been introduced but for past reports, a Very Good grading will be considered outstanding and carry 10 marks only if (i) all except 1 or 2 entries in parts II to IV of the current ACR form or part-Il in the previous format are Very Good (A-1) or (ii) accelerated promotion was recommended.

(c) If the overall grading in a CR is ambiguous e.g. placed between Good and Average, the quantification will be based on the lower rating.

(d) In case the assessment of the countersigning officer differs from that of the reporting officer in any CR, the quantification will be based on the overall grading recorded by the countersigning officer.

(e) Where two or more confidential reports were initiated in a calendar year, the marks for that year will be worked out as their average or arithmetic mean unless the officer was promoted during the year when the

relevant part reports or their arithmetic mean, where required, would be treated as independent ACRs for the respective levels.

3. The marks for CRs will be computed separately for each level of posts carrying the same basic pay scale and a weighted aggregate score will be worked out as follows:

First Step

Arithmetic mean will be calculated for each calendar year containing 2 or more CRs vide 2(e) to derive the ACR score for that year as follows:

Where My = marks vide para 2 (a) foreach CR recorded in calendar year

Ny = Number of CRs recorded in year *y'. and stands for summation. Second Step

Average marks for each level will be calculated according to the following formula:

Average marks = 2M T Where M = Marks for ACRs vide paras 2(a) and 2(e); and T = Total number of ACRs in posts at that level. Third Step Weightage for posts held at each level will be given as follows in

computing the aggregate score against a uniform scale of 100 marks for promotion :

(i) to post carrying basic pay scale 18 10xA (ii) to post carrying basic pay scale 19(6xB)+(4xA) (iii) to post carrying basic pay scale 20(5xC)+(3xB)+(2xA) (iv) to post carrying basic pay scale 21 (5xD)+(3xC)+(A+B)

Where

A = Average marks for reports in posts carrying basic pay scale 17 B = Average marks for reports in posts carrying basic pay scale 18 C = Average marks for reports in posts carrying basic pay scale 19 D = Average marks for reports in posts carrying basic pay scale 20

Fourth Step *[The following additions/deductions shall be made in the total marks worked out in the third step:-

A. Additions: (i) Officers who serve as members of the faculty in the Government Training Institutions for a minimum of one year in continuity, shall be awarded extra points (maximum upto five points) towards their “blood count” for the purpose of promotion as per the following criteria:-

a) National Management College b) Executive Development Institute Cc) National Institute of Public Policy 3 Marks d) National Defence College e) Pakistan Administrative Staff College f) National Institutes of Public Administration 2 Marks Q) Civil Service Academy and all other Government Training Institutions including those meant for specialized training]. 1 Mark

B. Deductions: (i) for each major penalty imposed 5 marks under the Govt. Servants (Efficiency and Discipline) Rules, 1973

(ii) for each minor penalty imposed 3 marks under the Government Servants (Efficiency and Discipline) Rules, 1973

**[Clarification:

a). The officers who had served in a Government training institution, including those meant for specialized training in any particular cadre for a period of 2 years or more before 02-01-2006 would continue to get 2 additional marks as per policy in force at that time.

b). The officers who are posted on or after 02-01-2006 in the institutions specified in the OM. dated 02-01-2006 would get additional marks on the completion of one year in terms of modified policy circulated vide OM of even number dated 2nd January, 2006 referred to above. Similarly. The officers who were serving in the said training institutions but had not completed 2 years on 02-01- 2006 would not get 2 additional marks but get 3, 2 or 1 mark, as the case may he, in accordance

with modified polio].

(ili) for adverse remarks 1 mark per (deductions be made CR containing for such remarks only adverse as were duly conveyed remarks.

to the concerned

officer and were not

expunged on his representation, or the officer did not

represent)

*Subs & Added vide PMs Sectt (Public) u.o.No.106/GS/Estab/2005, dated 10.12.2005 and communicated vide Establishment Division’s O.M.No.1/3/2004-CP.II, dated 2.1.2006 **Added vide Establishment Division’s O.M.No.1/3/2004-CP. II, dated 28-6-2006

Example !

A Civil Servant is being considered for promotion to a post carrying basic pay scale 20. He earned the following gradings during his service against posts carrying:

pay scale 17 4 Good and 1 Average

pay scale 18 2 Very Good, 6 Good and 1 Average of which the average report and two good reports were earned in one calendar year. The other reports covered full calendar years.

pay scale 19 1 Outstanding and 4 Good.

He has served for 3 years in a training institution. His marks for the CRs will be worked out as follows: -

First Step

Average/arithmetic mean,

for 2 “Good! (7 x 2)+(5 x 1) and 1 Average report earned ——————_ = 6.3 in one calendar year. 3

Second Step

Average marks for posts (7x4)+(5x1) carrying basic pay ———— =6.6 scale 17. 5

Average marks for (8x2)+(7x4)+6.3

posts carrying ————————_ =7.1 basic pay scale 18. 7

Average marks for (10x1)+(7x4)

posts carrying ——_—=7.6 basic pay scale 19. 5

Third Step

(5x7.6)+(3x7.1)+(2x6.6) = 72.5

Fourth Step

Marks for CRs 72.5

add

for service in a training 2.0

Institution ee 74.5

His final score for CRs will be. 74.5

Example I!

A Civil Servant is being considered for promotion to a post carrying

basic pay scale 19. He earned the following gradings during his service against posts carrying;

pay scale 17 3 Good and 2 Average. pay scale 18 5 Good and 2 Average.

A minor penalty under the Government Servants (Efficiency and Discipline) Rules, 1973 was imposed on him. He also earned adverse remarks in 2 reports.

His marks for the CRs will be worked out as follows:

First Step:

Average marks for (7x3)+(5x2)

posts carrying —————_ = 6.2 basic pay scale 17. 5

Average marks for (7x5)+(5x2)

posts carrying ————— =6.4 basic pay scale 18. 7

Second Step

(6x6.4)+(4x6.2) = 63.2

Third Step Marks for CRs 63.2 Less (i) for minor penalty 3 (ii) for adverse remarks 2 5 58.2

His final score for CRs will be 58.2.

4. The weightage in the second step at para 3 will be modified to

correspond to the number of levels actually served in Government in cases where:

(i) the officer joined Government service directly in a post carrying basic pay scale 18 or above; or

(ii) the officer has not served against any post carrying an intervening basic pay scale.

Example III

A Civil Servant who has joined Government service in a post in pay scale 18 is being considered for promotion to a post carrying Pay Scale 20. He earned the following gradings during his service against posts carrying:

pay scale 18 2 Very Good, 3 Good and 2 Average.

pay scale 19 2 Very Good and 3 Good.

His marks for the CRs will be worked out as follows:

First Step:

Average marks for posts (8x2)+(7x3)+(5x2) = 6.7 Carrying basic pay scale 18 7

Average marks for (8x2)+(7x3) posts carrying —____—=7.4 basic pay scale 19 5

Second Step

(6x7.4+(4x6.7) = 71.2

Third Step Marks for CRs 71.2

His final score for CRs will be 71.2 Example IV

A Civil Servant is being considered for promotion to a post carrying basic pay scale 19 in a cadre where no post exists in basic pay scale 18, he has earned 1 Very Good, 7 Good, 5 Average and one Below Average reports (with adverse entries) in his present post carrying basic pay scale 17. His marks for CRs will be worked out as follows:

First Step

(8x1)+(7x7)+(5x5)+(1x1) Average marks for ——— =59

post carrying basic 14 pay scale 17 Second Step

(10 x 5.9) 59 Third Step Marks for CRs 59 Less for adverse remarks -1

58

His final score for CRs will be 58.

5. Where only two reports or less are available on an officer against posts in a particular basic pay scale, these CRs will be added to the CRs earned in the lower post for calculating the average marks at that level and the principle laid down in para 4 will apply to the weightage to avoid any undue bias attaching to the reports in question.

Example V

A Civil Servant is being considered for promotion to a post carrying basic pay scale 20. He earned the following gradings during his service against posts carrying:

pay scale 17 4 Very Good, 4 Good and 2 Average. pay scale 18 1 Average and 1 Below Average. pay scale 19 2 very Good, 5 Good and 1 Average.

His marks for CRs will be worked out as follows:

First Step

Average marks (8x4)+(7x4)+(5x2)+(5x1)+(1x1) for posts carrying TTT = 6.3 basic pay scale 17 12

Average marks for posts (8x2)+(7x5)+(5x1)

carrying basic pay — —_ = 7.0 scale 19 8 Second Step (6x7)+(4x6.3) =6/.2 Third Step Marks for CRs 67.2

His final score for CRs will be 67.2

Note: Independent weightage for only 2 reports against the post in basic pay scale 18 would have skewed his score to 58.

Example VI!

A Civil Servant being considered for promotion to a post in basic pay scale 18 has earned only 2 reports against his present post but had served for 6 years against a post in basic pay scale 16.

He earned the following gradings in his CRs:

pay scale 17 2 Good. pay scale 16 4 Good and 2 Average.

His marks for CRs will be worked out as follows:

First Step Average marks (7x2)+(7x4)+(5x2) =6.5 8 Second Step (10x6.5) = 65 Third Step

Marks for CRs = 65 His final score for CRs will be 65.

6. Where an officer appointed to a higher post on acting charge basis is considered for regular promotion to that post, the CRs earned during his acting charge appointment will be added to the CRs earned in the lower post for calculating average marks.

Example VII

A Civil Servant appointed on acting charge against a post carrying basic pay scale 19 is to be considered for regular promotion against that post. He has earned 2 good reports in his assignment on acting charge and the following gradings against earlier posts :

pay scale 17 3 Good and 2 Average. pay scale 18 2 Very Good, 4 Good and 2 Average.

His marks for CRs will be worked out as follows : First Step Average marks for (7x3)+(5x2)

posts carrying = 6.2 basic pay scale 17 5

Average marks (8x2)+(7x4)+(5x2)+(7x2) for posts carrying ——— =6.8 basic pay scale 18 10

Second Step (6x6.8)+(4x6.2) = 65.6

Third Step Marks forCRs 65.6

His final score for CRs will be 65.6.

ll. QUALITY AND OUTPUT OF WORK

7. Paragraphs 1 & 2 of the above computation will apply mutatis mutandis to quantification of grading recorded on ‘Quality and Output of Work’ in the CRs.

8. The aggregate score for ‘Quality and Output of Work’ will be calculated as follows:

= (Marks x No. of CRs containing the respective grading) Aggregate score = x 10 Total No. of CRs. Example VIII

In 17 CRs as civil servant earned the following gradings against the entry for “Quality and Output of Work’

Very Good 5 Good 8 Average 4

His aggregate score in “Quality and Output of Works’ will be as follows:

Aggregate score "[(10x5)]+(7x8)+(5x4)

x10 = 74.12 17

Ill. INTEGRITY

9. Similarly, the aggregate score of ‘Integrity’ will be calculated as follows :

x (Marks x No. of CRs containing the respective grading) Aggregate score = x 10

Total No. of CRs

“Corrected vide Estt. Division O.M.No.10(10)/85-CP.1, dated 11-8-1985.

Example Ix

In 22 CRs a civil servant earned the following gradings against the entries on ‘Integrity’

Very Good Good Average

Moral 4 12 6 Intellectual 5 12 5 His aggregate score in ‘Integrity’ will be as follows : Moral "[(10x4)]+(7x12)+(5x6) x 10 = 70 22 Intellectual "[(10x5)]+(7x12)+(5x5) xX10=72.27 22 SI. No. 164

Reference is invited to promotion policy issued vide Establishment Secretary's d.o. letter No. 10(10)/85-CP-I, dated 15-5-1985 (SI. No.154) and it is stated that a query has been raised about the quantification of marks for

‘quality and output of work' and ‘integrity’. It is clarified that the distinction policy, is applicable only to overall grading under Part V of the confidential reports. As regards “quality and output of work’ and ‘integrity’, the entries remain the same and will carry their earlier marks except for “Average (B)' rating which has been raised to 5 marks. The marks for the respective entries under these two items would therefore be as follows:-

Entry Marks Al 10 A 7 B 5 Cc i D 0

“Corrected vide Estt. Division O.M No. 10(10)/85-CP.I, dated 11-8-1985.

2. In the Examples VIII & IX the score for very good has incorrectly been shown as °8' which should be corrected to read as “10' and the examples should be re-worked accordingly.

3. These instructions may please be brought to the notice of all concerned.

[Authority.- Estt. Division O.M. No. 10(10)/85-CP-I, dated 11-8-1985].

SI. No. 165

Promotion Policy-Quantification of two or more confidential reports pertaining to a calendar year.- Reference Establishment Division's D.O. No.10(10)/85-CP.1, dated 15-5-1985, the question of quantification of two or more confidential reports initiated in a calendar year on the basis of average or arithmetic mean has been under consideration in the Establishment Division. It has been observed that quantification of part report of smaller period over-rides the report of larger portion of the year, when calculated on the basis of average or arithmetic mean as is illustrated in the following example:-

a) Report for 9 months as "Average": Marks=05 b) Report for 3 months as "Outstanding": Marks=10

Mean: Total marks for each CR recorded in the year Number of CRs recorded in the year.

=5t10 = 15=7.5 2 2. With a view to make the formula of quantification more realistic, it has been decided with the approval of the competent authority that, in future, part reports written on an officer in a calendar year will be quantified on the basis of weighted average/proportionately instead of their average or arithmetic mean. The same is illustrated in the following example:-

a) Report for 9 months as "Average" : Marks=05 b) Report for 3 months as "Outstanding": Marks=10

‘Weighted average: Marks for each CR multiplied by No of

months as covered by part reports. 12

(No of months a calendar year)]

5x9 = ADy ated td 3.75 12 12 TOX3 = .30» sssssetersstonsss 2.50 12 12

Total 6.25

3. However, where there is only one report available on an officer in a calendar year and he could not earn another in the same year owing to the factors beyond his control such a report should be treated as report for full one year.

4. Para 2(e) and 3 of the Addendum to the Promotion Policy issued vide Establishment Division's D.O. No.10(10)/85-CP.1, dated 15-05-1985 referred to above will stand amended to this extent.

5. The competent authority with a view to maintain 100% accuracy in the process of quantification of the ACRs, has further been pleased to direct as under:-

a) the quantification sheets shall be signed by the official designated to do so, besides its countersignature by a responsible supervising officer; and

b) that any incorrect quantification identified during the course of inspection or reverification shall be treated as an act of inefficiency and misconduct punishable under the Efficiency and Discipline Rules, besides liability under the criminal law.

6. The Ministries/Divisions/Departments are, therefore, requested to bring the above instructions to the notice of all concerned for strict compliance.

[Authority.- Estt. Division O.M.No.10/1/97-CP.I, dated 12-11-1998].

“Amended vide Estt. Division Corrigendum No. 10/1/97-CP.|, dated 16-11-1998.

Clarification regarding Quantification

Of Part ACRs in Case of Incomplete Record.

SI. No. 165-A

Reference para 3 (Second Step) of the Addendum to Promotion Policy issued vide Establishment Division D.O. No.10(10)/85-CP.1, dated

15.5.1985, amended vide Establishment Division O.M.No.10/1/97-CP.I, dated 12.11.1998 and dated 16.11.1998 and to clarify that where some part ACRs due for a calendar year are not available on record (e.g. three part reports were due in a calendar year and only one or two of them are available on record), the denominator | would be calculated taking into account the ratio of the period for which the part PERs were written with the full calendar year as per formula of X/12 where is the number of months for which each part report was written.

EXAMPLE-1:

A Civil Servant is being considered for promotion in May 2002 for a post carrying BS-18. His record shows the following availability of ACRs:

1997 Average (full year)

1998 Good (full year)

1999 Very Good (full year)

2000 Very Good (Jan — Apr) Good (May — 15 Aug)

Part ACR for the remaining period of the Calendar year is due but not available on record.

2001 Good (full year)

His marks for each year will be worked out as follows:

Year Marks of the reports

1) 1997 05 2) 1998 07 3) 1999 08 4) 2000 08x4 07x3.5 56 =. 12 56.5 4.71 12 5) 2001 07

His total quantification will be worked out as follows:

(8x1) + (7x2) + (5x1) + 4.71

His overall score will be 69.

Quantification of higher posts shall be calculated in the same manner as illustrated in the next example:

\MPLE-2:

A Civil Servant is being considered for promotion to a post carrying BS-20. He earned the following grading during his service against posts carrying.

BS-17 = 4 Good and 1 Average

BS-18 = 2 Very Good, 4 Good, and 1 Average which is a part report for 8 months. The remaining part report for 4 months is due but not initiated by the Reporting Officer.

BS-19 = 2 Outstanding, 5 Good, and 2 Average. He perusal of his Dossier reveals that in addition to the above cited 9 PERs, the officer also earned three part reports during one calendar year. Of these, only two part reports, one

Very Good for 4 months, and one Good report for 3 months and 15 days for that calendar year is available in the dossier and while the report for the remaining 4 % month period is not available on record.

His marks for PERs will be worked out as follows:

First Step - Weighted average for 1 Average (part) report earned in BS-18 in one calendar year

= (5x8) 12

= 40 12

= 3.33

- Weighted average for 1 Very Good (4 months part report) and 1 Good (3 months 15 days part report) during one calendar year in BS-19.

(8x4) + (7x3.5) 12

= 56.5 12 = 471

Second Step - Average marks for post carrying BS-17 = (7x4) + (5x1) 5 = 33 5 6.6

- Average marks for post carrying BS-18

= (8x2) + (7x4) + (3.33) 6 +8 12 = 47.33 6.67 = 7.09 (* X /12)

- Average marks for post carrying BS-19

(10x2) + (7x5) + (5.2) + (4.71) 9 + 7.5% 12 = 69.71 9.625 = 7.24 (* X/12)

Third Step BS 17=2X66=13.2 BS 18 =3 X 7.09 = 21.27 BS 19 =5 X 7.24 = 36.2 = 70.67 (Say 71) His final score for PERs will be 71.

[Authority.- Establishment Division O.M.No.10(1)/97-CP.I/CP.II, dated 7.5.2002].

SI. No. 165-B

Reference to the Addendum to Promotion Policy issued vide Establishment Division D.O.No.10(10)/85-CP.1, dated 15.5.1985, amended vide Establishment Division O.M.No.10/1/97-CP.1, dated 12.11.1998 and

dated 16.11.1998, and _ clarified vide Establishment Division O.M.No.10(1)/97-CP.I/CP.II, dated 7.5.2002 and to issue the following Clarification are issued with respect to implementation of the quantification procedure:-

Clarification No. 1

2. Para 5 of the Addendum of the Promotion Policy provides that where only 2 reports or less are available on an officer against a post in a particular basic pay scale, these CRs will be added to the CR earned in the lower post for calculating the average marks at that level and the principle laid down in para 4 will apply to the weightage to avoid any undue bias attaching to the reports in question.

3. It has been noted that provision of Para 5 may sometimes work to the disadvantage of officers who have earned 2 or less reports in a particular Basic Pay Scale. Since the intention of the policy markers was to ensure that no negative bias enters into the quantification of an officer, it is hereby clarified that the provision of Para 5 of addendum shall be applied only if it works to the advantage of an officer. If, however, the quantification of an officer gets reduced as a result of the provision of Para 5, the procedure specified in Para 5 of the Addendum shall not be followed.

Example

Two officers are being considered for promotion to BS-20 and 21 respectively. They earned the following grades during their service against posts carrying:

Officer No.1 Officer No.2 Pay scale 17 4 Very Good, 1 Good, Pay Scale 17 1 Good & 1 Average 2 Average. Pay Scale 18 1 Outstanding, 3 Very Good and 4 Good Pay scale 18 1 Average, 1 Below Average Pay Scale 19 2 Very Good Pay scale 19 2 Very Good, 5 Good and | PayScale20 2 Outstanding & 6 Very Good 1 Average Quantification without application of para-5 = 80 Quantification without application of para-5 58 Quantification after application of para-5 =78 Quantification after application of para-5 67 NOTE: The officer loses 2 marks with application of Para-5 of the Addendum to NOTE: Promotion Policy. Hence, procedure provided in Para-5 of the

The officer gains 9 marks with application of Addendum shall not be followed in this case and quantification of the

Para-5. The procedure provided in Para-5 of officer shall be worked out without adding his BS-19 CRs to the CRs the Addendum shall be followed in this case. earned in BS-18

Clarification No.2

4. Para 3 of the Addendum prescribes 4 steps for calculation of the ACR quantifications. The Fourth step provides that the following deductions shall be made from the total quantification of an officer.

1) For each major penalty 5 marks

2) For each minor penalty 3 marks

3) For adverse remarks 1 mark per CR containing adverse remarks

5. It has been the general practice to deduct these marks each time an officer’s quantification is being worked out. This practice was challenged by certain officers and it has been held by the Federal Service Tribunal as well as the Supreme Court of Pakistan that it does not appear to be the intention of the rule makers that deductions on account of penalties on adverse remarks should be made each time the case comes up for consideration by the Board. While deciding the appeal of a civil servants, the Competent Authority also gave its concurrence to the above and directed the Establishment Division to work out the officer's quantification without deduction of marks due to penalty.

6. In view of the above, it is hereby clarified that deduction of marks due to penalty or adverse remarks shall be done only once i.e. when an officer’s case comes up for consideration for promotion to the next higher grade. Once the officer has been promoted to the higher grade no deduction shall be made subsequently.

Example No.1

An officer is being considered for promotion to BS-19. He was awarded a minor penalty in BS-18. Deduction of 3 marks shall be

made from his total quantification whenever his case comes for promotion to BS-19. Till such time and he is promoted to the next grade (i.e. BS-19 in this case), his overall quantification shall be worked out with deduction of 3 marks.

Example No.2

The same officer is now being considered for promotion to BS-20. He was awarded minor penalty in BS-18 and was subsequently promoted to BS-19. While calculating his quantification for promotion to BS-19, deduction of 3 marks was made from his total quantification. However, now that the officer has been promoted to BS-19 and is being considered for promotion to BS-20 no deduction shall be made from his total quantification.

[Authority.- Establishment Division O.M.No.10(1)/97-CP.| (Pt), dated 20.9.2003].

SI. No. 166

Promotion policy enhancement of minimum threshold for promotion to BPS 21.- Attention is invited to the Establishment Secretary's d.o.letter No.10(10)/85.CP-I, dated 15-5-1985 (SI.No.154) under which the revised promotion policy was circulated.

2. Keeping in view the importance and seniority of the posts in BPS 21, it has been decided with the approval of the competent authority that henceforth the minimum score for “Overall Assessment’ as well as “Quality and Output of Work' in respect of promotion to these posts would be 75. However, in the case of smaller cadres where only 2 or 3 officers are eligible for consideration and they do not meet the revised standard, the Selection Board may recommend the cases of officers who possess consistently good record but whose score is between 70 to 75, for special consideration.

3. Guidelines annexed to the promotion policy referred to above may please be amended accordingly. Other provisions of the policy remain unchanged.

[Authority.- Estt. Division O.M.No.10(10)/85-CP-I, dated 12-11-1987]. SI. No. 167

Participation in the regular course of PASC and NDC being a pre-requisite for promotion of officers of BPS-20 to BPS-21.- Reference is invited to the instructions contained in Establishment Division's letters

No.11/14/79-T.Il, dated 8th June, 1980 and No. 10(10)/85-CP-I, dated 30th April, 1984, regarding participation in the regular course at Pakistan Administrative Staff College, Lahore and National Defence College, Rawalpindi as a pre-requisite for promotion of officers from BPS-20 to BPS-21. It is reiterated for information of all concerned that under the current policy for promotion to BPS-21 a civil servant must fulfil the condition of having successfully completed a regular course at the Pakistan Administrative Staff College or the National Defence College. This requirement would only be waived for officers who:

(i) have served as head of a training institution for at least one year, or (ii) have served on the directing staff of a training institution for

at least two years; or (ili) have exceeded the age of 56 years.

2. It is requested that these instructions are given wide circulation for information of all concerned for strict compliance.

[Authority.- Estt. Division letter No. 1/14/79-T.II, dated 17-3-1986].

Departmental Promotion Committees

For rules regarding definition of the "Departmental Promotion Committee" and its composition, please see rules 2 (d) and 4-5 and 7 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

SI. No. 168

Linking of Promotion with Training.- Promotion Policy provides that for promotion to posts in pay scales 20 and 21 a civil servant must successfully complete a training course at one of the NIPAs and Pakistan Administrative Staff College/National Defence College respectively. However, for promotion to posts in pay scale 19, no training courses have so far been prescribed. This matter has remained under active consideration of the government. It has now been decided with the approval of the competent authority (Prime Minister) that promotion to posts in pay scale 19 will be linked with successful completion of training at the specialized Training Institutions run by various Ministries/Divisions for the officers controlled by them.

2. In view of the position discussed above all Ministries/ Divisions administering various occupational groups/services are requested to make necessary arrangements for the training of their officers in pay scale 18 in specialized training institutions run by them on the lines indicated below:-

a) The course duration should be between 8-10 weeks with emphasis on professionalism in the course;

b) Evaluation of the trainees may be made in the proforma prescribed for training evaluation in NIPAs and Staff College;

C) An exercise may be carried out to ascertain the likely number of officers to be trained at these institutions annually based on the number of officers promoted to BPS-19 in the past by the Ministries/ Divisions concerned;

d) The additional requirements of faculty and accommodation, if any, may be carried out and translated into monetary terms.

[Authority.- Estt. Division (Training Wing) O.M.No.5/22/88-T.II, dated 28-1-1993]. SI. No. 169

Exemption from NIPA and Staff College/NDC Course.- Reference Establishment Division's d.o. letter No. 10(10)/85-CP.1, dated the 15th May, 1985, it is stated that apart from those who have crossed the age of 56 years, training requirement at NIPA/PASC/NDC can only be waived for the following categories of officers:-

i) For promotion to BPS-20: those who have served on directing staff in BPS-19 for 2 years in NIPA, Staff College, NDC, Civil Services Academy and the specialized training institutions imparting training to officers in BPS-17 and above.

ii) For promotion to BPS-21: those who have served on directing staff in BPS-20 for two years in the Staff College, NDC, NIPA and Civil Services Academy or have served for one year as head of NIPA/specialized training institutions imparting training to officers in BPS-17 and above.

[Authority.- Estt. Division O.M.No.10(5)/91-CP-I, dated 8-5-1991]. SI. No. 170

Reference is invited to the Establishment Secretary's d.o. letter No.10(1)/85-CP-l, dated the 15th May, 1985 and _ subsequent O.M.No.10(5)/91-CP-I, dated the 8th May, 1991.

2. In partial modification of the above promotion policy, it has been decided with the approval of the competent authority that mandatory condition for completion of the prescribed training at NIPA and PASC will be waived off in respect of officers of Foreign Service of Pakistan during their posting abroad at the time of consideration of their promotion cases by the respective CSB. However, they will undergo the required training at the existing institutions or FSA later during the home phase of their positing.

[Authority.- Estt. Division O.M.No.10/2/98-CP.1, dated 10-11-1998].

Promotion related capacity building of Civil Servants in BS-17 to BS-19 of various Occupational Groups

SI. No. 171

In order to ensure an optimum development of human resources available to the Government, it is imperative that a continuous process of capacity building is so engineered that training becomes a regular, mandatory requirement, directly linked to vertical growth of Civil Servants. In this context, the Chief Executive of Pakistan was pleased to decide that officers be trained in regular, short courses to equip them with skills and expertise relevant to their job. It has, therefore, been decided by the Government that:—

a) Civil Servants prospectively appointed to all Occupational Groups/Services be required to undergo twelve days of short training course, each year after completing the initial common and specialized training programmes, in a_ pre-determined progressive mix of skills and concept courses;

b) Special focus will be given in Public Finance, Budget Preparation, Accounts etc., in addition to the relevant courses of each Occupational Group. Sample lists of which are annex;

c) Officers presently serving in BS-17 to BS-19 be required to undergo twelve days of training, starting year, 2002 [till the year of their consideration for promotion to the next higher grade]; and

d) Promotion to BS-18, BS-19 and BS-20 be conditional, amongst other criteria, to an assessment of satisfactory participation in these courses.

2. A sample list of short courses in skills and concepts development

identified in consultation with various Ministries/ Divisions/Departments is annexed. All the administrative Ministries/ Divisions/Departments controlling the regularly constituted Occupational Groups, except Ministry of Foreign Affairs (in whose case policy would be announced later) are requested to arrange short training courses for their officers serving in BS-17 to BS-19, every year.

[Authority.—Establishment Division O.M.No.1/6/2002-CP.II, dated 5-4-2002].

*PAKISTAN AUDIT & ACCOUNTS GROUP

SI.No. Training Course Duration Training Institute I. ACCOUNTING 1. — Introduction to Chart of 3 days Audit & Accounts, Training Classification Institutes, Lahore, Islamabad, Peshawar, Karachi & Railways Accounts Academy, Quetta. 2. | Compilation of Monthly -do- & Annual Accounts 3. Reconciliation of -do- Accounts 4. — Appropriation and -do- Finance Accounts ll AUDIT 1. Value for Money Audit 3 days 2. Issue in Managing 2 days Performance Audit 3. INTOSAL Auditing -do- Standards 4. Stage of Development of -do- Project 5. — Planning for -do- Performance Audit 6. Audit Execution 5 days 7. Financial Analysis 2 days 8. Audit of Programme -do- 9. Certification Audit 6 days 10. Evaluation of Internal -do- Controls 11. Report Writing 2 days 12. Reporting Reviewing -do- Concept & Practical 13. Audit of Revenue 3 days

Receipts

14. Any other subject

considered Relevant by

the controlling Division/Agency

During not more than 12 days

*Renamed vide Establishment Division O.M.No.1/17/92-CP.Il, dated 10.12.2002

CUSTOMS AND EXCISE GROUP

SI.No. Training Course Duration Training Institute 1; Customs laws and procedures One week Directorate of Customs & Excise & Sales Tax Karachi/Lahore/ Islamabad and other Training Institutes where the facility of Training is available. 2. Levy and Assessment of -do- duties/taxes, Exemption, Repayments, Warehousing, Transit and Transshipment 3. Import & Export Policies and -do- procedure, Concepts related to International Trade. A. Sales Tax Laws & procedure -do- 5. Prevention of Smuggling, -do- Search, Seizure & arrest-Inquiries and Investigations 6. Central Excise Law and -do- procedure 7. Financial Accounting for Tax -do- Officers 8. Customs Baggage Rules -do- 9. Basic Investigation -do-

Techniques

10. Any other subject considered Duration not relevant by the controlling more than Division/Agency 12 days

COMMERCE AND TRADE GROUP

SI. No. Training Course Duration Training Institute 4: a) Basis for International One week Foreign Trade Institute Trade

b) — International

Marketing 2. a) Trade Policies b) Trade Strategies One week Foreign Trade Institute 3) a) National Trade Laws -do- -do-

and Institution

b) — International Trade Laws and Institutions

A. a) Marketing -do- -do- Management

b) Marketing Research

c) Integration Marketing/Planning

Execution 5. Products Development -do- -do- 6. a) Promotion of Trade 12 days -do-

and Investment

b) Managing Trade Fairs/Exhibitions abroad for Trade promotion

c) Post fairs follow-up & Analysis

7. Organization Role and -do- FTIP/IBA

Functions of WTO and its Implications on Pakistan's Trade and Investment

8. Any other subject Duration not considered relevant by the more than controlling Division/Agency 12 days DISTRICT MANAGEMENT GROUP SI.No. Training Course Duration Training Institute 1, Development

Planning/Plan One week Civil Services Academy NIsPA, formulation, Planning any other Training Institutes Machinery in Pakistan where the facility of Training is available. 2. Feasibility Study, Project -do- Preparation, Implementation Monitoring and Evaluation 3. Public Finance & Finance -do- Management 4. Public Income, its Sources, -do- Effects of Taxation on Production & Distribution 5. Public Expenditure, objects & -do- classification, Effects of Public Expenditure on Production & Distribution 6. Public Debts General -do- Characteristics 7. Principles of audit & Role of 3 days Public Accounts Committee 8. Public Administration, Sector -do-

Management and concept of Public Governors

9. Decision Making -do- 10. Devolution Plan -do- 11. District Tehsil administration -do- 12. Local Government and Rural -do- Development. 13. Role of NGO in Development -do- 14. Any other subject considered Duration not relevant by the controlling more than Division/Agency 12 days ECONOMISTS GROUP SI.No. Training Course Duration Training Institute Als Course on Macro Economic 12 days PIDE Planning 2. Course on Employment -do- Pakistan Manpower Institute Income and Resource (PMI) Mobilization 3. Course on Human Resource -do- -do- Management A. General Course on -do- Pakistan Planning & Manage- Management ment Institute (PPMI) 5. Course on Balance of -do- PIDE Payments 6. Course on Debt -do- PIDE Management 7. Any other subject considered Duration not

relevant by the controlling Division/Agency

more than 12 days

INCOME TAX GROUP

SI.No.

10.

11.

Training Course Income Tax Law Investigative Techniques and Commercial Practices

Accountancy, Book Keeping and Auditing

Knowledge of Computers/ Information Technology

Advance Management Programme

Financial Management Course Skills in Administrative Matters

Streamlining Administrative Procedure and Paperwork

Course in Financial Management for D.D.Os or Equivalent Rank

Finance and Accounting for non Financial Executives

Any other subject considered relevant by the controlling Division/Agency

Duration

One week

-do-

-do-

-do-

12 days

One week -do-

-do-

-do-

-do-

Duration not more than 12 days

Training Institute

Directorate of Training and Research (Income Tax), Lahore

-do-

-do-

-do-

Pakistan Institute of Manage-

ment Karachi/Lahore

-do-

-do-

-do-

NIPA, Karachi

Pakistan Institute of Manage- ment, Lahore/Karachi

INFORMATION GROUP

SI. No.

Training Course

Duties of Press Officers Abroad

Projecting Kashmir Abroad Conflict Resolution

Mass Communication As Agent of Socio-Cultural Change

International Media and Dealing with Foreign Correspondents

Publicity, Public Relations and International Relations

Media Diplomacy and New World Order

International News Agencies and their Role in World Politics

Any other subject considered relevant by the controlling Division/Agency

Duration Training Institute One week Information Service Academy, PTV Academy or any _ other Training Institute where the facility of Training is available. One week One week 3 days 3 days One week One week One week

Duration not more than 12 days

MILITARY LANDS & CANTONMENT GROUP

considered relevant by the controlling Division/Agency

SI. No. Training Course Duration Training Institute 1. Cantonment Act 1924 One week NIPA, CSA or any other Training Institute where the facility of training is available. 2. Cantonment Property Rules = -do- 3. Cantonment Servants -do- Rules 1955 4. Cantonment Election -do- Petition Rules 1997 5: Administration & -do- Management of Government Land Inside and Outside Cantonment 6. Acquisition & Requisitioning -do- of Land or Property for the purpose of Federation 7. Resumption, Requisitioning -do- Sale of Property for Defence Services 8. Any other subject Duration not

more than 12 days

OFFICE MANAGEMENT GROUP

SI. No. Training Course

1. Financial Management

2. Cash Management

3. Office Management

4. Stress Management

5. Time Management

6. Budgeting & Financial Control

7. Communication Skills

8. Legal drafting

9. Service Rules

10. Any other subject consi-

dered relevant by the controlling Division/Agency

Duration Training Institute

One Week STI, PCB, NIPA, PIM or any

other Training Institute where the facility is available. -do- -do- 3 days 3 days

One week

-do- -do- 12 days Duration not

more than 12 days

POLICE SERVICE OF PAKISTAN

SI. No. Training Course Duration Training Institute 1. Crisis Management 3 days National Police Academy, or any other Training Institute where facility of Training is available. 2. Traffic Management & 3 days Road Safety 3. Relation with Prosecution & 3 days Prison Administration 4. Usage of Information 3 days Technology in Policing welfare 5. Various Systems of Policing One week 6. Policing by objectives 3 days 7. Crime Scene 3 days Management/Major disorder 8. Modern Concepts and 3 days Methods of Patrolling 9. Interviewing & Interrogating 3 days Skills 10. Preparation & Scrutiny of 3 days Challans 11. Monitoring of

Bails, One week acquittals and conviction in important cases 12. Native & Scope of One week Criminology, Modern Theories of Crime 13. White Collar Crime & One week

Penology

14. Any other subject Duration not considered relevant by the more — than controlling Ministry/Division/ 12 days Agency POSTAL GROUP SI. No. Training Course Duration Training Institute 1. Budgeting & Financial One week Postal Staff College or any other Management Training Institute where the training facility is available 2. Labour Management -do- Relations 3: Post Office Costing Studies -do- A. Postal Management -do- 5. Postal Statistics -do- 6. Establishment of Special -do- Services with reference to (c) State of Existing Services (d) Competition with Courier Services 7. Importance of Post — Socio- -do- Economic Development 8. Any other subject Duration not

considered relevant by controlling Division/Agency

more than 12 days

RAILWAYS GROUP

SI. No.

Training Course

Project Management

Presentation Skills for Management

Preparation of Marketing Plan

Development Marketing Skills

Management Course for Junior Executives

Financial Management for non-financial Management

Any other subject considered relevant by the

controlling Division/Agency

Duration

One week

One week

One week

One week

One week

One week

Duration not more 12 days

than

Training Institute

PIM/LUMS, or any other Training Institute where the training facility is available.

SECRETARIAT GROUP

SI. No. Training Course Duration Training Institute 1. Rules/Laws applicable to One week Secretariat Training Institute/ Civil Servants (Module-!) NIPA/CSA or any other Training Institute where the facility is available. 2. Rules/Laws applicable to One week Civil Servants (Module-II) 3. Economy of Pakistan One week A. Preparation of One week Development Schemes 5. Project Appraisal One week Formulation & Monitoring 6. International Relations One week 7. Human Resource One week Management 8. Management Information One week System 9. Legal Drafting One week 10. Financial Management & One week Budgeting 11. Decision Making One week 12. Any other subject Duration not

considered relevant by the controlling Division/Agency

more than 12 days

SHORT COURSES FOR CONCEPT DEVELOPMENT FOR OFFICERS

IN B-18 AND 19 OF ALL GROUPS/SERVICES

SI. No. Training Course Duration Training Institution 1 Reconciliation of 3 days Audit & Accounts Training Institute, Accounts Karachi/Lahore/Islamabad/Peshawar, Railways Accounts Academy Quetta. 2. Financial Analysis 2 days -do- 3. Planning for 2 days -do- performance Audit 4. Communication Skills 3 days P.I.M, NIPA 5. LT & E.Govt. One week P.C.B, NIPAs, PASC 6. Human Resource One week —NIPA/STI Management 7. Introduction of Customs 3 days Directorate of Customs & Excise & Laws Sales Tax 8. Sales Tax & Procedure 3 days -do- 9. Central Excise Laws 3 days -do- 10. Import & Export Policies 3 days -do- 11. Total Quality 3 days CSA/NIPAs/PIM Management 12. Devolution Plan 3 days -do- 13. Local Government & 3 days -do- Development 14. Problem Solving & 3 days CSA/NIPAs/PIM Decision Making 15. Macro Economic 3 days PIDE Planning 16. Basic Income Tax Laws 3 days Directorate of Training (Income Tax

Lahore)

17. Mass Communication One week Information Academy 18. Media Diplomacy & One week _ -do- New World Order SI. No. Training Course Duration Training Institution 19. Financial Management One week NIPA, CSA,STI 20. Office Management One week Information Academy. 21. Legal drafting One week _ -do- 22. Preparation of Budget One week _ -do- 23. Stress Management One week NIPA/CSA/PIM 24. Crisis Management One week National Police Academy, CSA, NIPAs 25. Labour Management One week NILAT Karachi 26. Marketing Skills One week PIM, Karachi/NIPA 27. Civil Servants Act and One week — STI/NIPAS (APT) Rules 28. Efficiency & Discipline One week _ -do- Rules & Removal from Service (Special Powers) Ordinance 2000 29. Preparation of One week NIPAs/PIDE Development Schemes 30. Project Appraisal, One week _ -do- Formulation & Monitoring 31. Management One week NIPA/PASC Information System 32. International Relations One week CSA/Staff College FSA

33. Investment Analysis & One week PASC/NIPAs/PIDE Economic Management

34. Training of Trainers One week PASC/NIPAs

35. Environmental One week NIPA/PASC Preservation

36. Role of Women in Rural One week PARD/NCRD Development

SI. No. Training Course Duration Training Institution

37. Rural Development One week PARD/NCRD Administration

38. International Economics One week NIPAs/PIDE

39. Financial Management One week _ -do- of Development Projects

AO. Business One week PIM/NIPAs Communication

41. Human Rights One week —_NIPAs/STI

42. Poverty & Public Policy One week CSA/NIPA/PASC/NCRD

43. Public Relations One week CSA/NIPA/PASC

44. Production & Operation One week _ -do- Management

45. Ethics & Public Policies One week _ -do-

46. Social Welfare Policies One week _ -do-

47. Role of NGOs in Rural One week PARD/NIPA/NCRD Development

48. Gender & Governance One week NIPAs/CSA/PASC

49. Communicating One week Information Academy

Effectively through Print Media

50. Negotiation Skills One week NIPA/PIM

51. Human Resource One week NIPA/PASC Planning

52. Training Need One week NIPA/PASC Assessment

53. Internet Training One week PCB/NIPA/PASC

54. Effective Record One week — STI/NIPA/PIM Management

55. Stores/Purchase One week = STI/NIPA Procedure

SI. No. Training Course Duration Training Institution

56. Time Management One week NIPA/CSA/PIM

57. Concept of ISO 9000 One week PIM

58. Treasury Rules One week — STI/NIPAs

59. General Financial Rules One week ~=NIPA/PIM

60. Principles of Good One week _ -do- Management

61. Interpersonal One week _ -do- Communication

62. Public Relations for One week _ -do- Front Line Officials

63. Management of Public One week _ -do- Records

64. Organizational Behavior One week _ -do-

65. General Principles of One week NIPA/CSA/PIM

Modern Government with special reference to Global Capitalism & Role of World Bank, IMF Viz-a-Viz, UNO

66. The Genesis and One week =NIPA/CSA/PIM Applications of the Idea of Good Governance Versus Bureaucracy

67. Human Resource One week STI, PIM, NIPA Development

68. Information Technology 12 days PCB/NIPA and Office Automation

69. Management Concept One week NIPA/PIM and their Application in Third World Countries

70. Concept of Privatisation One week Postal Staff College of Post Merits & De- Merits

SI. No. Training Course Duration Training Institution

71. Computer One week PCB/NIPA Literacy/Office-2000

72. Constitution of Pakistan One week NIPA/CSA

73. Microsoft Office One week PCB/NIPA

7A. Out-look 2 days -do-

75. Web-page Designing 2 days -do-

76. Local Area Network 2 days -do- (LAN)

77. Management Theory & One week NIPA/PIM Practice

78. a) Financial 6 days FTIP/PIM/IBA

Management

b) Information 6 days

Technology, & E- Commerce and

MIS

Note-The list of above Training Institutions is tentative. The training may be arranged as per available training facilities at any Training Institutions in the relevant field at the nearest station.

Withdrawal of Exemption from NIPA Training Course

SI. No. 171-A

Reference to Establishment Division's OM No.10(5)/91-CP.I, dated 8" May, 1991 regarding the Promotion Policy-Exemption from NIPA & Staff College/NDC Course and to say that in view of the introduction of Entrance Examination, the competent authority has been pleased to withdraw exemption from NIPA Training, except in the case of those officers who have already completed two years of posting in the training institutions by April 15, 2002.

[Authority.- Establishment Division O.M.No.1/3/2001-CP.II, dated 17.5.2002]. SI. No.171-B

Reference to Establishment Division OM of even number dated 17" May, 2002 on the subject cited above, whereby, exemption from NIPA training was withdrawn except in the case of those officers who had already completed two years of positing in the training institutions by April 15, 2002. The competent authority has now decided to allow exemption to those officers as well who were already serving as directing staff in BS-19 at National Institutes of Public Administration/Pakistan Administrative Staff College and National Defence College before 15.04.2002 and subsequently completed two years as directing staff in BS-19 as allowed to those who had completed two years on that date. The officers posted as directing staff after 15.04.2002 are not eligible to avail this facility.

[Authority.- Establishment Division O.M.No.1(3)/2001-CP. II, dated 19.12.2003]. SI. No. 171-C: Referencer to Establishment Division's OM No.10(5)/91-CP.|, dated gn May, 1991 and all other subsequent Office Memoranda, issued from time to time, related to the subject issue and to say it has been decided that,

henceforth, all exemptions/waivers granted for mandatory training at NIPA, PASC and NDC, shall be withdrawn with immediate effect and that no officer shall be considered for promotion to the higher grade until he/she has successfully completed the specified course at the required institution. This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialization as envisaged in the existing Promotion Policy.

2. The withdrawal of these exemption shall have no retrospective effect.

[Authority.- Establishment Division O.M.No.1/3/2001-CP.II, dated 4.1.2005]. SI. No. 171-D:

Reference to Establishment Division's Office Memorandum of even number dated 04.01.2005 on the subject and to say that queries have been received from various quarters regarding applicability of exemptions. The position is therefore clarified as under:-

I. All those who had attained the age of fifty six (56) years before 04.01.2005 and all those who had completed the mandatory period for serving in a training institution before 04.01.2005 shall remain exempted.

I. Any individual who attained or attains the age of 56 years on or after 04.01.2005 shall not be exempted. Similarly, any individual who completed or completes the mandatory period of serving in a training institution on or after 04.01.2005 shall not be exempted.

2. The Ministries/Division are requested to bring this decision to the notice of all concerned under them for their information and guidance.

[Authority.- Establishment Division O.M.No.1/3/2001-2001-CP.II, dated 22.3.2005].

SI. No. 172

Setting-up of the Departmental Promotion Committees for promotion to posts upto and including Grade 18.- For promotion to grade upto and including 18 and direct recruitment to posts in grades 1 to 15, the Ministries/Divisions will set up one or more Departmental Selection Committees and Departmental Promotion Committees the composition of which will be determined by the Ministry/Division concerned in consultation with the Establishment Division. Proposals for composition of Departmental Selection and Departmental Promotion Committees in respect of each Ministry/Division and Departments and offices under its administrative control may be forwarded to the Establishment Division. Broadly, the composition of the Committees should be as follows:-

Grade Composition of the Remarks

Committee 2.

(i) Departmental Promotion

Committee for Grade 17 and 18.

(ii) Departmental Selection or Departmental Promotion Committees for Grades 11 to 16.

(iii) Departmental Selection or Departmental Promotion Committees for Grades 10 and below.

Secretary or Additional Secretary, a Joint Secretary and a Senior Deputy Secretary. If the posts are in an Attached Department or a Subordinate Office, the Head of the Attached Department or Head of Office may be appointed as Member in lieu of Joint Secretary/Deputy Secretary.

An officer of Grade 20 and two officers of Grade 19.

An officer of Grade 19 and two officers of Grade 18.

There should preferably be one

D.P.C. for posts in Grades 17 and 18

for the Ministry/Division and the Attached Departments and Subordinate Offices under it.

There may be separate Committees for posts in the Ministry/Division and Attached Departments/Subordinate Offices under the Ministry/Division.

[Authority.- Extract from para 6 of Estt. Secretary's d.o. letter No.1/9/73-F.IV, dated 22-10-1973].

SI. No. 173

According to rule-4 (1) of the Civil Servants (Appointment, Promotion and Transfer) Rules 1973, the composition of a Departmental Promotion/Selection Committee is to be determined by the Ministry or Division concerned in consultation with the Establishment Division. However, the level at which the composition is to be approved in the Ministry concerned has not been specified.

2. It has therefore been decided that composition of the Departmental Promotion Committee for grades 11 to 18 may be approved at the level of Secretary of a Ministry/Division and the composition of Departmental Promotion Committees for grades 10 and below may be approved by the Joint Secretary. Each Secretary may, in his Division, authorize Joint Secretary (Admn) in_ respect of Departmental Promotion/Selection Committees for grades 10 and below.

[Authority.- Estt. Division Letter No. 26/1/80-DV, dated 12-10-1980].

SI. No. 174

Post in BPS-18 which carry special pay.- \t is stated that the proviso to rule 7 of the Civil Servants (Appointment Promotion and Transfer) Rules, 1973 requiring that posts in BPS 18 which carry a special pay would also be referred to the Central Selection Board if proposed to be filled by promotion or transfer has since been deleted vide Establishment Division's Notification No. S.R.O. 46(1)/84, dated 9th February, 1984. It is clarified that all cases in which a post in Basic Pay Scale 18 carrying some special pay is filled by promotion will be placed before the appropriate Departmental Promotion Committee. Where post in Pay Scale 18 carrying a special pay does not fall in the promotion ladder, it would be filled by departmental heads through normal posting and transfer.

[Authority.- Estt.Division O.M. No. 3/6/84-R. 2 dated. 3-7-1984].

Proposals for Promotions SI. No. 175

The Ministries/Divisions/Departments while sending proposals for promotion do not furnish the complete information to the Establishment Division. It has, therefore, been desired that in all cases of promotions the Departmental Promotion Committee should also be provided with the following information:-

(a) List of total posts. (b) Number of posts filled by promotion and initial recruitment.

(c) A confirmation that requisition has been sent to the FPSC for those posts required to be filled in by initial recruitment.

[Authority.- Estt. Division Circular No.47/7/80-CP-4, dated 24-9-1990].

SI. No. 176

Appointments not exceeding four months.- With reference to para 8 of this Division's O.M. No. F-33//47-Ests (SE Il), dated the 29th January, 1948, it is clarified that the approval of Departmental Promotion Committees is necessary even for appointments for a period not exceeding four months of the officers not in the list or not next in order of the list prepared by the Departmental Promotion Committee.

[Authority.- Estt. Division O.M. No. 13/1/69-D.III, dated 19-9-1970]. SI. No. 177

DPC to make selection on the basis of record.- The committees should make their selections in the light of past record of the persons concerned (where available) and the quality of their present work, and with due regard to seniority where other considerations are equal.

[Authority.- Para 5 of Estt. Division O.M.No. 33/I/48-Estt. (ME), dated 15-3-1948]. SI. No. 178

D.P.C. not competent to recommend demotion.- It appears from references made recently to the Establishment Division that the scope and functions of Departmental Promotion Committees are not clearly understood. In certain cases Government servants officiating without any condition in higher grades have been demoted on the recommendation of Departmental Promotion Committees. It is necessary, therefore, that the position should be clarified.

2. As their name indicates, the function of Departmental Promotion Committees is to make recommendations in respect of promotions and there is nothing in Establishment Division Office Memorandum No. 33//47-Ests(SE.II), dated the 29th January, 1948 which relates to the constitution of these Committees, to suggest that these Committees have been given the power to recommend the demotion of an officiating officer.

3. What Departmental Promotion Committees should do is to prepare a list of officers whom they consider fit for promotion. They should revise this list periodically which means that they can either add to, or substract from it. An officer who has been substantively promoted to a higher grade will not of course figure in this list. Similarly, an officer who has been promoted to officiate in a substantive vacancy for an indefinite period should not appear in the list because he is for all practical purposes to continue in the higher grade. In other words, the officers whose names will be shown in the list maintained by these Committees will be those who have not been promoted to higher grade in any capacity or who have officiated off and on or who are officiating against leave vacancies or in temporary posts of short duration and are, therefore, liable to revert in the normal course to the lower grade.

[Authority.- Estt. Division O.M. No. F. 33/49-SE, dated 18-6-1949]. SI. No. 179

Names of the selected persons to be arranged in the order of

seniority.- In accordance with the Establishment Division Office Memorandum No. 1/16/69-D.II, dated 31st December, 1970, regarding general principles of seniority, persons approved by the competent authority, on regular basis for promotion to higher posts in the same batch shall retain the same seniority on the higher grade as they were enjoying in the lower grade.

[Authority.- Para 1 of Estt. Division O.M.No. 13/1/67-D.IIl, dated 15-7-1972]. SI. No. 180

DPC can interview candidates.- The question of interviewing candidates, by Departmental Promotion Committee, at the time their cases for promotion are being considered, has been examined in this Division, and it has been decided that a DPC can interview the candidates, if it so desires.

[Authority.- Estt. Division O.M.No.13/I/69-D.III, dated 25-3-1969]. SI. No. 181 Minutes of the “D.P.C.- The proceedings of the Departmental

Promotion Committees are very often drawn up in a sketchy manner and do not give the essential details.

‘Note.- For Guidelines for D.P.C./C.S.B please see SI.No.154.

2. It is necessary that detailed minutes should be drawn up to show why certain persons have been approved and what are the reasons for declaring certain other persons unfit for promotion. In promotion for selection posts mere average reports should not be considered sufficient and greater emphasis should be placed on merit according to the existing instructions.

[Authority.- Estt. Division O.M.No.13/1/69-D. III, dated 3-11-1970].

SI. No. 182

Appointments within the purview of the Selection Board.- |In the Establishment Division's O.M. No. 25(5)/64Al, dated the 24th March, 1966 (Annexure-II) appointments mentioned under category Il of the Establishment Division O.M. No. 33/I/47-Ests (SE lI), dated the 29th January, 1948, carrying a maximum pay of Rs 1,700 or over which were not required to be made through the Federal Public Service Commission, fell within the purview of the Central Selection Board.

2. Consequent upon the introduction of the National Scales of Pay, the position has been reviewed and it has been decided that posts in Grade-19 shall fall within the purview of the Central Selection Board.

3. [Not reproduced]

4. It is requested that in future 10 copies of the proforma should accompany each proposal for the Selection Board. A copy of the proforma is also enclosed (Annexure 1).

[Authority.- Estt. Division O.M. No. 25/4/73-AV, dated 17-10-1973].

ANNEXURE-|

PROPOSAL FORM FOR THE CENTRAL SELECTION BOARD

4: Ministry/Division

2. Name of the post to be filled.

3. Emoluments of the post (Scale of Pay, Special Pay and Allowances).

4. Duration of vacancy, whether regular or for a limited period.

5. Method of recruitment approved by the Government: By

departmental promotion/by selection.

6. (a) If recruitment rules framed, enclose a copy of the rules.

(b) If recruitment rules not framed and issued, state, whether the method of recruitment has been approved by Establishment Division.

Qualifications and experience required.

Names of all officers in order of seniority within the zone of

selection/appointment showing their Province of domicile.

Names of officers whose character rolls are forwarded to the

Establishment Division with this proposal.

Note.- Complete character rolls of the officers concerned should

accompany the proposal. Reasons for missing reports for any period (s) should invariably be stated.

Date:

Signature Secretary to the Government of Pakistan. Name of Division

Service particulars of Mr._.............. eee Position in seniority list .... Date of birth Province of origin Province of domicile Educational qualifications Date of joining service

Post held From To

ANNEXURE II

Copy of the Establishment Division O.M. No. 25(5)/64-Al, dated the 24th March, 1966.

In accordance with the Establishment Division O.M. No. 33/1/47- Ests. (SE), dated the 4th April, 1949, (Annexure III), appointments having a maximum pay of Rs. 1,750 or more for “old entrants" but less for "new entrants" should be made on the recommendation of the Central Selection Board. In view however of the new scales of pay recently promulgated by the Ministry of Finance the corresponding pay limit is now Rs. 1,700 which is the maximum of Junior Administrative Grade namely Rs.1,600-50-1,700. The present position therefore is that posts carrying a maximum pay of Rs. 1,700 or over which are not required to be filled through the Central Public Service Commission, fall within the scope of the Central Selection Board. This may please be noted for future guidance.

ANNEXURE III

Copy of the Establishment Division O.M.No.33/l/47-Ests. (SE), dated the 4th April,1949.

In para 2 of this Secretariat Office Memorandum No. 33/1/47-Ests. (SE 1), dated the 29th January, 1948, in the sub-para relating to "Category II", between the words "over" and "made" insert the words: "for old entrants".

2. The object of the amendment is to make it clear that where the maximum pay of an appointment is Rs. 1,700 or more for "old entrants" but less for "new entrants", the appointment should be made on the recommendation of the Selection Board.

“Guidelines for submission of proposals for consideration of the Central Selection Board

SI. No. 183

The proposals received from various Ministries/Divisions for the consideration of the Central Selection Boards are generally deficient in one aspect or the other. Establishment Division has therefore to write back to the sponsoring Division requesting for the missing information/details. Usually, the following deficiencies are noticed in the proposals :-

(i)

(ii) (ii) (iv) (v)

(vi) (vii)

Proposal form is not signed by the Secretary/ Additional Secretary incharge of the Division.

Complete recruitment rules are not furnished.

ICP Charts/ACR dossiers are not complete. No explanation about the missing reports is available in the dossier.

Full particulars of officers are not furnished in the seniority list.

Quantification of ACR gradings is not correct.

Number of clear vacancies is not indicated.

Training status of the officers on the panel is not indicated.

2. Furnishing complete information/details and calculation of score of the officers with accuracy is the responsibility of the sponsoring Division. All the Ministries/Divisions are, therefore, requested to ensure that documents in regard to the proposals for promotion are prepared with utmost care so that the information submitted to the Boards is complete and accurate in all

respects.

[Authority.- Paras 1 & 2 of Estt. Division O.M No.45/1/88-CP-3(Pt), dated 13-1-1988].

SI. No. 184

Deficiencies have been occasionally noticed in the documents sent for submission of promotion proposals to the Central Selection Boards. It will be appreciated that submission of complete and accurate documents (including the correctly calculated quantified scores of ACRs) is a pre- requisite for consideration of promotion cases by the Boards.

Note.- May be seen with Guidelines at SI.No.154.

2. A set of the following prescribed forms is given as specimen, indicating the number of copies required, so that the Ministries/ Divisions/Departments concerned may be able to submit complete proposals for promotion:-

i) Proposal form (CP-I) One copy.

ii) Panel form (CP-II) 20 Copies.

iil) Synopsis form (CP-III) 20 Copies.

iv) Seniority form (CP-IV) One copy for each proposal.

v) Quantification (CP-V) One copy for form each officer on the

panel.

*

[ ]

3. It is requested that the required number of copies of these forms, cyclostyled or photo copied legibly, must be attached to each proposal for promotion.

4. For each vacancy, a panel of at least five eligible officers is required. However, in case of smaller cadres where only a few officers are eligible for promotion, complete list, in order of seniority, of all the eligible officers should be enclosed.

5. A check list has been drawn up and enclosed for the guidance of the Ministries/Divisions/Departments.

6. Instructions already issued vide Establishment Division's O.M.No.45/1/88-CP-3(Pt), dated 13th January, 1988 shall be treated to have been amended to the extent mentioned above.

[Authority.- Estt. Division O.M.No.45/6/90-CP.3, dated 3-3-1990].

‘(CP Forms No. vi, vii and viii excluded vide Estt. Division O.M.No.45/1/88-CP.3, dated 10-3-1999).

CHECK LIST OF REQUIREMENTS REGARDING PROPOSALS FOR PROMOTION OF OFFICERS

To ensure that:-

l)

i)

ii)

iv)

V)

vi)

vii)

viii)

SI. No. 185

the proposal form (CP-I) has been signed by the Secretary/Additional Secretary Incharge of the Division;

for each vacancy a panel of at least five officers has been submitted and all columns have been accurately filled in the form (CP-II);

training status of the officers on the panel has been indicated (CP-Il);

ICP charts/CR dossiers are complete, explanation about the missing reports is available in the dossiers and all columns have been accurately filled in the synopsis form (CP-III);

seniority list is un-disputed, complete and duly authenticated and indicates full particulars of officers (CP-IV);

quantification of ACR gradings is correct and quantification form is enclosed in respect of each officer on the panel (CP-

V); a copy of relevant Recruitment Rules has been furnished; and

requisite number of copies of each form has been sent with the proposal.

Reference Establishment Division's O.M. of even number

dated 13.1.1988 with which different forms required to accompany the proposals for promotion were circulated. In view of the past experience the Proposal Form (CP-I) and Panel Form (CP-II) have been revised. In the light of the revised Proposal Form (CP-l), the following documents will not be required to be attached separately in future:-

!

Vacancies certificate form. (CP-VI)

ii) Disciplinary/Court case certificate form. (CP-VII)

iil) Prescribed length of service certificate (CP-VIII) form.

2. In view of the above, all Ministries/Divisions/ Departments are requested to bring the above position to the notice of all concerned and in future the promotion cases may please be prepared on the revised Proposal Form (CP.l) and Panel Form (CP-II) and sent to the Establishment Division alongwith the following documents for consideration by the CSB concerned:-

i) Synopsis Form (CP-III) ii) Seniority Form (CP-IV) iil) Quantification Form (CP-V)

[Authority.- Estt. Division O.M.No.45/1/88-CP.3, dated 10-3-1999].

PROPOSAL FORM

Ministry/Division/Department

aie

CP-I

Name of the post(s) to be —_—~--- filled in by ProMOtiOoN —— _rennnnnnnnnn anna nnn n nana nn nnn nnn nnn nn nn nnn Basic Pay Scale and the = —~----------------------- 2-2-2222 on nn nnn nnn Occupational Group! wrwrwnnnen nn nn nnnn nnn n nnn ne nn nn nnn nee nn nen

Ex-cadre.

Total sanctioned strength of

the cadre. Direct Promotion a) Percentage of share. b) Number of posts allocated to each category. C) Present occupancy

position. List of officers to be attached.

d) Number of vacant post(s) in each category.

e) Whether any roster is being maintained for allocation to each category?

If so, copy to be

Transfer

9)

a)

b)

c)

d)

enclosed.

How the post(s) under promotion quota fell

vacant and since when?

In case of more details separate papers be enclosed

Whether to be promoted on regular basis or for

a limited period due to deputation/long leave etc.

Recruitment Rules framed or not. If so, copy to be attached.

In the absence of Recruitment Rules whether the method of recruitment got approved by the Establishment Division. If so, copy

to be attached.

Person(s) eligible for promotion against vacant post(s).

Prescribed length of service/experience for promotion.

e) Prescribed Qualification,

if any.

f) Mandatory Training/ Course, if any.

g) Minimum required qualification.

Seniority list(s) duly verified to be attached.

Panel of eligible officer(s) duly signed by a responsible officer to be prepared on the prescribed form.

Number of ACRs/ICP Charts.

Certified that the officers included in the panel are eligible in all respect and possess the requisite length of service required for promotion. If not, please give details, and reasons for submission of the case to CSB.

Also certified that no disciplinary action under Government Servants (E&D) Rules, 1973 or proceedings on criminal charges in the court of law is pending against any officer included in the panel. If otherwise, indicate the names of officers, seniority number on the panel and brief description/nature of the case.

(To be signed by the Secretary/ Additional Secretary Incharge

of the Division)

CP.II

PANEL OF OFFICERS FOR CONSIDERATION OF THE CENTRAL SELECTION BOARD

l) TOTAL NUMBER OF OFFICERS ALREADY IN PAY SCALE TO WHICH THE PROPOSAL IS TO BE CONSIDERED...........

MINISTRY/DIVISION POST TO BE FILLED NO. OF VACANCIES

i) {]

Name/ Training(P Date of Present In case of NO. OF EACH CATEGORY OF ACRs QUANTIFIED SCORE OF ACRs REMARKS.

Design- ASCI/NIPA appoint- rank/Date of posting out OS VG G A BA Adv Penalty INTEGRITY MISSING

ation/) Course ment in regular side cadre O.A. Q&OW MORAL INTELL ACRS Domicile/D attended BPS-17 promotion/ap to indicate ate of Birth (with point-ment in date of dates) present BPS posting with tenure

period

Omitted vide Estt. Division d.o. letter No.45/1/88-CP-3, dated 18-1-2000.

CONFIDENTIAL

SYNOPSIS FORM cP-IIl Front page SYNOPSIS OF ACRS SENIORITY NO....... PROMOTION CASE

FROM BPS...... TO BPS ....

BRIEF OF ANNUAL CONFIDENTIAL REPORTS

1) Name of officer with designation Date of Birth and Domicile

2) Date of entry in service —-

3) Date of entry in present pay scale

4) Educational qualifications

Posting Overall grading for the Fitness for promotion as Adverse report with Whether adverse remarks Whether representation against adverse last 10 years judged by Countersigning remarks communicated. remarks made. If so, with what results.

Officer.

SENIORITY FORM CP-IV SENIORITY LIST

Promote Date of first Date of regular Date of regular Prese e/ Direct i appointment appointment in appointment in nt in Govt. Basic Pay present pay postin

service Scale-17 scale. g

Signature Designation

CP-V TO BE SCANNED

Guidelines for submission

of Proposals for Consideration of Central Selection Board-ll (CSB-II)/Central Selection Board-I (CSB-1)

SI. No. 186

Reference Establishment Division's O.M.No.45/6/90-CP- 3, dated 3.3.1990, wherein guidelines/check-list for submission of proposals for consideration of CSB-I and CSB-II were intimated to the Ministries/Divisions. Under the said guidelines, the proposals signed by the Secretary/Additional Secretary Incharge and accompanied by prescribed documents duly authenticated/stamped by responsible officer, are required to be forwarded to the Establishment Division for submission to the CSB-I/II.

2. It has been observed in some cases, however, that the proposals for the Central Selection Boards do not fully conform to the laid down requirements on the subject. In some cases, the proposals are not duly signed by the concerned Secretary/ Additional Secretary Incharge while, in others, the accompanying documents are either unattested and/or carrying incorrect/ incomplete information. All this leads to avoidable delays on account of back references to the concerned Ministries/Divisions.

3. It has also been observed in many cases that the documents are forwarded at the Section Officer's level and addressed to his counter-part in this Division. Since the Joint Secretary (Admn) of the concerned Ministry/Division is the focal point there, such proposals for CSB-I/II must invariably be forwarded under his covering letter after ensuring that all the requisite documents relevant to this exercise have been prepared and duly signed by the concerned officers. Moreover, with a view to enforce secrecy as well as prompt attention, all such references should, henceforth, be addressed to the Additional Secretary (CP&R), Establishment Division, and delivered under a sealed cover. Replies to any query on the part of the Establishment Division (which would not be below the level of Deputy Secretary) should also be furnished at least at the same level if not at the

level of Joint Secretary (Admn).

4. All Ministries/Divisions are requested to kindly ensure that their promotion proposals for the consideration of CSB-I/Il are forwarded in the light of the position/requirements of paras 2 & 3 above.

[Authority.- Estt. Division O.M. No.45/6/90-CP-3, dated 3-5-1995].

Promotion Policy - cases where disciplinary or departmental proceedings are pending

SI. No. 187

Attention is invited to Para-1 (c) (Il) of the Guidelines for Departmental Promotion Committees/Central Selection Boards issued under Establishment Division's D.O. letter No. 10(10)/85-CP-I, dated 15.5.1985 on Promotion Policy, it is stated that DPC/CSB is required to defer consideration for promotion of officers against whom disciplinary or departmental proceedings are pending. It has been noticed that while forwarding proposals for placement before DPC/CSB or soliciting approval of the competent authority to the promotion of officers, the Ministries/Divisions do not indicate whether disciplinary or departmental proceedings are pending against any of officers under consideration. This causes avoidable delay in processing cases through the selection Board and obtaining the orders of the competent authority.

2. It is, therefore, emphasized that while forwarding cases of officers for placement before Central Selection Board or seeking approval of the competent authority to the proposed appointments, a certificate should invariably be recorded that no disciplinary/ departmental proceeding is pending against the officers under consideration. This may be brought to the notice of all concerned dealing with such cases.

[Authority.- Estt. Division O.M.No.45/3/89-CP-3, dated 21-5-1989].

Procedure for referring cases

to the Selection Board SI. No. 188

It has been observed that proposals relating to the Central Selection Board are not being sent alongwith the required number of copies each of the essential documents, like the "proposal proforma" properly filled in, complete C.R. dossiers of the officers, their particulars of service, bio-data, latest seniority lists (arranged according to the new gradation system) etc. Moreover, Government servants having East Pakistan domicile and the repatriated POWs need to be cleared first by the D.I.B. It is also observed that the particulars of service of the Government servants are generally not prepared carefully and the C.R. dossiers are not checked to find out the precise reasons for the missing reports. This has to be ensured in all cases and the latest reports have to be invariably attached to the proposals or the reasons for not attaching such reports have to be clearly indicated.

2. At times, big bundles of C.R. dossiers are sent to the residence of the Secretary, Central Selection Board. This involves great risk (apart from inconvenience) as bulky bundles, of C.R. dossiers have to be carried from residence to the office. Moreover, the CR dossiers received just before the meeting can not be properly checked. In view of this, it is imperative that the C.R. dossiers should be sent to the Establishment Division well in advance of the date of the meeting of the Central Selection Board after due scrutiny insuring that these are complete in all respects. However if under extraordinary circumstances the CR dossiers have to be sent just before the meeting, the Ministries/Divisions may kindly arrange to deliver these CR dossiers through special messengers in the office of the Secretary, Central Selection Board before the meeting of the Board in which other items are to be discussed.

3. The above mentioned requirements should be invariably kept in view while sending proposals for the consideration of the Central Selection Board.

[Authority.- Estt. Division D.O.Letter No.25/7/74-AV, dated 3-10-1974].

SI. No. 189

It has come to the notice of the Central Selection Board that in certain cases a particular candidate or candidates is/are recommended out of the total number of candidates considered by the Ministry/Division, without mentioning the full particulars of all the candidates. The proper procedure in such cases is to place the full particulars of ALL the candidates before the Central Selection Board so that the Board may decide which of the candidates are not suitable for the post in question. It is accordingly requested that the full particulars of ALL the candidates in the field of selection or those who may have been considered by the administrative Ministries/Divisions, should be placed before the Central Selection Board in all such cases.

[Authority.- Estt. Division O.M. No.24/3/75-AV, dated 12-2-1975].

SI. No. 190

Re-appointment of posts within the purview of Selection Boarad.- It has been decided that if the re-appointment of an officer to a post took place after more than one year of the reversion from that post the case should be placed before the Central Selection Board for determining the continued fitness of the officer to hold the post. After approval of the Central Selection Board, it would not be necessary to refer the case to the Prime Minister/President again.

[Authority.- Estt. Division O.M.No.3/20/70-D. III, dated 16-9-1971]. SI. No. 191

Short-term appointment and direct appointments to higher Secretariat posts-under the present orders. -

(i) it is not necessary to refer to the Selection Board acting appointments made as a purely temporary arrangement for a period not expected to exceed 4 months; and

(ii) the Board is not concerned with appointments made from sources other than from Government service.

2. It has been decided that:-

(a) the period upto which appointment may be made without consulting the Selection Board should be reduced from 4 months to one month; and

(2) The Selection Board should deal with appointments to higher posts in the Secretariat even in the rare cases when such appointments are made from persons not in Government service, /.e. all appointments which are within the purview of the Selection Board will be made on the recommendations of the Board irrespective of the fact whether or not they are made from among persons already in Government service.

[Authority.- Estt. Division O.M. No.33/7/49-SEI, dated 13-8-1951].

“Note.- Pl. see rule 8B(4) of Civil Servants (Appointment, Promotion and Transfer) Rules 1973, in the present context.

SI. No. 192

Convention regarding acceptance of recommendations of the Selection Board.- The Administrative Enquiry Committee reviewed the working of the Selection Board and in their report made the following recommendations:-

(a) that both for protection to Ministers and in the interests of efficient working, the rules about the Selection Board be closely adhered to; and

(b) that there should be a convention whereby the advice of the Selection Board should be accepted quickly and automatically except in wholly exceptional cases.

2. Government considered these recommendations and their orders

are as follows:-

(a) Accepted.

(b) Government have decided that there should be a convention whereby the advice of the Selection Board should be accepted quickly save in exceptional cases; and that if the Prime Minister or the Minister concerned disagrees with the view of the Selection Board, the case should be returned to the Board for further consideration, and a decision taken by the Prime Minister only after the further views of the Board have been placed before him.

[The above instructions are neither a law nor a rule and are subservient in the provisions of the Civil Servants Act, 1973 specially with reference to powers of the “Competent Authority” for giving final approval regarding appointment by promotion. These powers are unfettered and the Competent Authority may accept, reject or refer back the matter to the Central Selection Board for reconsideration. All these options are available to the Competent Authority whose powers are unfettered to choose any one of the options].

3. In dealing with Selection Board cases, these orders of Government must be strictly followed.

[Authority.- Estt. Division O.M.No.33/3/54-SEl, dated 22-9-1954].

Clarifications vide O.M.No.3/2/2005-CP.6, dated 21-9-2005. SI. No. 193

Promotion of an Officer during pendency of the departmental proceedings.- It is the responsibility of the departmental representatives who attend the meetings of the Departmental Promotion Committee/Central Selection Board to apprise the Committee/Board whether or not any departmental proceedings are pending against the Government servants whose cases are being considered by the Committee/Board. A serious view should be taken if the departmental representatives do not give information to the committee/board and if later comes to notice that a government servant was promoted notwithstanding the fact that disciplinary proceedings where pending against him. The Ministries/Divisions are requested to

strongly impress the officers who serve as members of Departmental Promotion Committees or who attend meetings of the Central Selection Board as departmental representatives to scrupulously observe these instructions.

[Authority.- Para 3 of Estt. Division O.M.No.6/4/74-A-ll, dated 6-7-1974]. SI. No. 194

Meetings of the Central Selection Board.- Kindly refer to Cabinet Secretary's d.o.letter No. 25/1/72-AV, dated the 27th November, 1972 in which it was stated that only Secretaries should represent their Ministries/Divisions at the meetings of the Central Selection Board. If a Division/Ministry is not headed by a Secretary or the Secretary is away on foreign tour, then the senior most officer (Additional Secretary/Joint Secretary) in that Ministry/Division could represent the administrative Ministry. The instructions contained in the Cabinet Secretary d.o.letter dated 27-11-1972, were reiterated in d.o.letter No. 25-1/72-AV, dated the 17th January, 1974 and it was further stated that a Secretary/ Additional Secretary was not at all in a position to attend the meeting of the Board, the specific clearance of the Establishment Secretary may please be obtained before deputing some other officer to attend the meeting of the Board. In order to make it convenient for the administrative secretaries to so arrange their engagements as to find time for attending meetings of the Central Selection Board, it was decided to hold meetings of the Board on alternate Thursdays.

2. It has however, been noticed that even now _ the Secretaries/Additional Secretaries incharge of Ministries/Divisions frequently do not attend the meetings of the Board. In _ future, if the Secretaries/Additional Secretaries incharge of the Ministries/ Divisions concerned do not attend the meetings of the Board, the proposals would be returned to those Ministries/ Divisions unconsidered.

[Authority.- Additional Secretary(Estt) d.o.letter No.25/4/76-AV, dated 8-10-1976].

Bar against direct correspondence with

Provinces for Secretariat appointments

SI. No. 195

There should be no direct correspondence between Ministries and the Provincial Governments in regard to obtaining the services of any officer serving in a Province for an appointment in the Secretariat whether or not it is one which comes within the purview of the Selection Board. All such correspondence should be conducted by the Establishment Secretary.

[Authority.- Para 6(iii) of Estt. Division O.M.No.F.33/1/47-Estt(SEl), dated 29-1-1948]. SI. No. 196

Holding in abeyance posts for which suitable candidates are not available.- The attention of the Ministry of Finance, etc. is invited to the recommendations made by a recent meeting of the Secretaries which considered the question of holding in abeyance posts for which suitable candidates are not available. The relevant extract from the minutes of the Secretaries' meeting is reproduced below for information and guidance:

"As the Selection Board often faced with the problem of filling a high post simply because the post is lying vacant, it was proposed that it would be preferable to keep such posts in abeyance when capable men of sufficient seniority are not available to fill them rather than to promote junior men who are not fully qualified."

"In the course of discussion it was pointed out that there was no objection to the proposal but in practice one difficulty was likely to be encountered. Past experience has shown that in certain cases where a higher post had been held in abeyance because it was not possible to find a suitable person to fill it and a lower post had been created, temporarily in its place, the Ministry of Finance had raised objection to the subsequent revival of the post when a suitable officer became available to fill it. It was then pointed out that if the higher post existed on a regular basis and it was temporarily held in abeyance for a specified time it could be automatically revised on the expiry of that period without reference to the Ministry of

Finance. This apprehension should not, therefore, deter us from making appointments in lower grades against sanctioned appointments of higher grades. It was decided that if any Ministry encountered any difficulty in reviving such a post, the case might be brought to the personal notice of the Secretary of the Ministry of Finance."

2. It is requested that Ministry of Finance, etc., should keep this recommendation in view, when higher post with which they are administratively concerned, are proposed to be filled.

[Authority.- Cabinet Secretariat, Estt. Branch O.M.No.25/40/50-SEI, dated 8-7-1950]. SI. No. 197

It has been observed that the recommendations of the Central Selection Board regarding promotions of officers to higher grade are not followed up expeditiously by the administrative Ministries and Divisions, who are required to submit summaries for the Minister of State for Establishment, seeking approval to the promotions etc. recommended by the Central Selection Board. Summaries are received after a lapse of a great deal of time resulting in delayed promotions and consequently representations from the officers affected. It is, therefore, requested that steps may kindly be taken to ensure that the recommendations of the Central Selection Board are followed up without undue delay.

[Authority.- Additional Secretary (Estt)D.O.letter No.25/3/75-A.V, dated 11-3-1975].

Observance of quotas laid down for promotion, transfer and direct recruitment

SI. No. 198

Vacancies in the grade of Assistant.- The Establishment Division have had under consideration the question whether if a person has been promoted or appointed as a direct recruit, to a permanent or a quasi-permanent vacancy in the grade of Assistants, in accordance with the procedure referred to above, and his services are terminated, for one reason or the other, before he is confirmed in the vacancy, the vacancy thus caused should be treated as a fresh vacancy for the purpose of the roster referred to above, or whether it should be filled in replacement, i.e. by a departmental candidate or a direct recruit, as it was originally filled, without being counted afresh in the roster. The distribution of vacancies between the departmental candidates and direct recruits is intended to ensure that, as far as possible, the cadre includes promotees and direct recruits in the prescribed ratios. This object can be achieved if the vacancy caused in the above circumstances is not counted as a fresh vacancy but is filled in replacement. It has accordingly been decided that the vacancy caused by the termination of the services of the original incumbent before his confirmation therein should be filled in replacement, i.e. by a departmental candidate or a direct recruit, accordingly it was originally filled, without its being counted afresh for the purpose of the roster.

[Authority.- Estt. Division O.M.No.54/12/57-ME, dated 14-7-1951]. SI. No. 199

Promotion/direct recruitment quota.- A question has arisen as to how the quota for promotion and direct recruitment if prescribed in the ratio of 50:50 in the recruitment rules is to be maintained when the number of available posts is odd and not equally divisible. The matter has been considered in consultation with the FPSC and it has been decided that in such cases weightage may be given to promotion quota. For example, where an odd number of posts, say 9, are to be filled in the ratio of 50:50, five posts should be earmarked for promotion and four for direct recruitment.

[Authority.- Estt. Division O.M. No. D. 210/84.R.5, dated 3-6-1986]. SI. No. 200

A question has arisen as to how the vacancies caused by resignation, transfer, etc. of the persons appointed against the quota of departmental candidates or direct recruits, before confirmation of such persons should be filled. The matter has been considered in consultation with the Federal Public Service Commission and it has been decided that the vacancies in various services/posts caused by any reason, should be filled on the basis of the quotas fixed for promotion, transfer and direct recruitment. For this purpose the total number of posts in a cadre should be distributed in accordance with the fixed quotas and the vacancies in such posts should be filled so as to achieve the overall quotas fixed for departmental candidates and direct recruits etc.

2. Suitable amendments should be made in the recruitment rules where necessary, in consultation with the Establishment Division and the Federal Public Service Commission.

[Authority.- Estt. Division O.M. No. 5(1)11/67-D.V., dated 21-3-1968]. SI. No. 201

Provision for merit quota in promotion.- The Government have decided that where it is possible to identify merit, suitable provision should be made in the Recruitment Rules for filling 10% to 20% of promotion posts in BPS 16 on the basis of merit. The Ministries/Divisions are requested to ensure that a provision for merit quota is made in the Recruitment Rules for posts in BPS 16 under them.

[Authority.- Estt. Division O.M.No.F.1/15/69-F.II, dated 2-3-1970].

SI. No. 202 Knowledge of Islamic/Pakistan Studies.

The President was pleased to direct vide CMLA Secretariat's directive No. 270 of 1981 that:-

"Various systems and methods of selection are in vogue for inducting individuals in the Government at different levels. At the higher level, selection is made by the Public Service Commissions. Separate criteria are prescribed for induction at each level. In all these systems and procedures, one thing must be common, that is, assessment of the candidate's knowledge of Islamic and Pakistan Studies. Persons without adequate knowledge of these subjects will

not be considered fit for appointment to Government jobs, irrespective of their proficiency in other fields. Necessary instructions will be issued; as executive orders, immediately, and implementation by all concerned ensured. If an Ordinance is considered to be necessary to give effect to this directive or would help to make its implementation more effective, it may be prepared and submitted to me".

2. The matter has been examined in the Establishment Division and it has been decided that the existing rules give the Chairman, FPSC and the Departmental Selection Committees adequate powers to prescribe the qualifications for inducting individuals in Government departments. There is, therefore, no need for any change in the Rules.

3. All selection authorities, however, will ensure that a certain percentage of the marks in any interview/examination carried out for induction of individuals into the Government service will be reserved for Islamic and Pakistan Studies. Persons scoring less than pass marks in these subjects will not be considered fit for appointment to Government jobs, irrespective of their proficiency in other fields.

[Authority.- Estt. Secretary's D.O. No.4/14/81-TI, dated 24-6-1981].

SI. No. 203

Declining promotion to evade transfer to an unattractive station.- A decision was circulated vide Establishment Division O.M. No. 1/21/76-D. Il, dated the 18th September, 1976 (Annexure) that if a senior person declines promotion to suit his convenience, he should lose in seniority to the next junior person who is promoted in the relevant vacancy, and that he should not be considered for promotion till after his case for promotion has been considered again by the Selection Board in a subsequent meeting. The competent authority may also consider the grounds on which promotion has been declined and, in suitable cases, may take disciplinary action (on grounds of misconduct, that is, refusal to obey orders to proceed on transfer to another station) where it is clear that the promotion has been declined to evade transfer to an unattractive station, and may impose the penalty of withholding of promotion for a specified period.

2. It has now been considered that the aforesaid decision is inconsistent with the broad provisions of the Civil Servants Act, 1973. The Establishment Division O.M. No. 1/21/76-D.Il, dated 18th September, 1976 is therefore withdrawn with immediate effect. All such cases where senior persons decline promotion to suit their convenience shall be decided in future on merits of each case in consultation with Establishment Division.

[Authority.- Estt. Division O.M.No.1/21/76-D.II(R-4), dated 9-5-1982].

ANNEXURE

Copy of Establishment Division O.M.No. 1/21/76-D.II, dated the 18th September, 1976.

The question as to how the seniority of a person who is cleared for promotion but who declines promotion should be determined when he is subsequently promoted has been considered. It has been decided that if a senior person declines promotion to suit his convenience, he should lose in seniority to the next junior person who is promoted in the relevant vacancy, and that he should not be considered for promotion till after his case for promotion has been considered again by the Selection Board in a subsequent meeting. The competent authority may also consider the grounds on which promotion has been declined and, in suitable cases, may take disciplinary action (on grounds of misconduct that is, refusal to obey orders to proceed on transfer to another station) where it is clear that the promotion has been declined to evade transfer to an unattractive station, and may impose the penalty of withholding of promotion for a specified period.

SI. No. 204

An officer who is superseded or whose promotion is deferred comes to know about it automatically when his juniors are promoted to higher grade posts. He need not, therefore, be informed of average reports.

2. The cases of officers whose promotions are deferred may be reconsidered on the basis of their A.C.Rs for the next year.

[Authority.- Estt. Division O.M. No.32/4/76-A.IV, dated 6-7-1976]. SI. No. 205

Proforma promotions.- The Ministries and Divisions as well as Attached Departments and Sub-ordinate offices, have in the past been ordering proforma promotions (also called promotions in absentia) of persons serving on deputation on foreign service, or in ex-cadre posts as a matter of course on the sole ground that the deputationist had been approved for promotions by the D.P.C. of the parent Department and a person junior to him had been promoted. This has resulted in the deputationists serving away from their parent Department or cadre for unduly long periods as such persons not only enjoy better emoluments while on deputation but also feel secure that their interests are being fully protected in their own Department.

2. The intention underlying ‘proforma promotions’ is to protect the interests of the Government servant only in circumstances where the Government servant is required to serve away from his parent cadre because of a definite requirement of public interest and not merely to suit his own interest. Normally, therefore, a deptutationist, as soon as he becomes due for promotion should be required to revert to his parent Department or cadre so that he is promoted to the next higher post for which he may have been declared fit. In case an offer of promotion is made to him and he declines to revert, he may be allowed to remain in the outside post on the clear understanding that he will not ask for ‘proforma promotion’. Only in exceptional cases where the borrowing Department or organization expresses its inability to spare the officer, and the Head of the parent Department records in writing why he considers it necessary to keep the Government servant on deputation in the ex-cadre appointment, may proforma promotions be made. Even in such cases the period for which the officer is allowed to continue to remain on deputation, with the benefit of proforma promotion, should be judiciously fixed so that the officer reverts to his cadre and is appointed to the post for which he has been approved for promotion, as early as possible. Such period should not normally exceed 6 months. All cases where ‘proforma promotions’ are allowed for a period exceeding 6 months should be reported to the Establishment Division with full justification.

3. The Ministries/Divisions are also advised that in future whenever they send an officer or member of the staff on deputation to an ex-cadre post, or on foreign service, they should settle in advance the period of deputation with the borrowing office/organization on the expiry of which the Government servant should revert to his parent cadre. While selecting persons for deputation, care should also be taken not to depute officers who would soon be coming up or promotion to the next rank in their own cadre and may have to be re-called. In the majority of cases, officers and staff are sent on deputation on their application or request.

They should be warned that in case they fall due for promotion, they will have to revert to their parent cadre and they will not be allowed promotions in absentia.

4. The above instructions do not apply to senior appointments in international organizations such as the United Nations, the R.C.D. Sectt., etc. to which officers are nominated by Government having regard to their qualifications, experience and suitability. In such cases it may be presumed that the services of the officer have been placed on deputation with the foreign organization in the public interest, and 'proforma promotion' when called for, may be made.

[Authority.- Estt. Division O.M. No. 1/28/71-D.Il, dated 29-7-1971]. SI. No. 206

A permanent ministerial Government servant who is temporarily transferred from one office to another in the public interest should be considered for promotion to a higher grade in his parent office as and when a vacancy occurs in the higher grade and if he is selected for promotion in accordance with the relevant rules, he should be appointed proforma to the

higher grade so that when he reverts to his parent office he can count, for seniority and increments in the higher grade, the period for which he remained on deputation. No monetary benefit in respect of his proforma promotion in the parent office shall be allowed to him while he is on deputation. Proforma promotion in such cases should be made with effect from a date determined in accordance with the "next below rule' and not from any earlier date.

[Authority.- Finance Division O.M. No. F.1.(5)-RI-(R.W.P.)/62, dated 21-4-1962].

SI. No. 207

The question has been raised whether the instructions issued in the Establishment Division O.M. No. 1/28/71-D. Il, dated 29th July, 1971, regarding proforma promotion apply also to past cases where proforma promotions had already been made prior to the issue of these instructions. The Ministries and Divisions are advised to review all such cases. If the officer had been allowed to proceed on deputation for a specific period, he should be requested to revert to the parent department on expiry of that period. In case no period was specified, the parent department should examine the propriety of re-calling the officer to the parent cadre as it is not administratively desirable that officers and staff should remain away from their parent cadre for unduly long period, say more than 3 years in the case of gazetted officers and 5 years in the case of non-gazetted staff. However, if in the case of a particular department the number involved is large, the re-call of the deputationist should be judiciously staggered so that no large scale reversions are caused in the parent office consequent on the re-call of the deputationists. Priority in re-call should be given to those who have been allowed proforma promotion in the parent cadre. Where, however, the borrowing departments are prepared to confirm such officers and staff on their own establishment (provided this is admissible in accordance with the Recruitment Rules applicable to the post) and the officer or staff is also willing to be so absorbed, reversion to parent cadre may not be insisted upon.

[Authority.- Estt. Division O.M.No.1(28)/71-D.II, dated 28-3-1972].

SI. No. 208

Cases have come to the notice of the Establishment Division where officers whose services were obtained on deputation for a specific period were not returned by the borrowing department when the parent department asked for their reversion. Attention in this regard is invited to the Establishment Division's O.M.No.1(28)/71-D.II, dated the 28th March, 1972, wherein it was laid down that officers obtained on deputation should be reverted to their parent department on the expiry of the period of deputation. It was further laid down therein that the period of deputation should normally be 3 years in the case of officers in Grade 16 and above 5 years in the case of staff in Grade 15 and below.

2. In the interest of efficient administration it is reiterated that the above mentioned instructions should be followed rigidly and _ the deputationists reverted to their parent department on the expiry of the period of deputation unless the intention is to permanently absorb the deputationist in the cadre or department where he is serving on deputation and the recruitment rules for the post provide for such a course. In such cases, the consent of the deputationist to the suspension or termination of lien on his permanent post in the parent

department, as well as the agreement of the parent department, should be obtained. With the completion of these formalities the deputationist will be treated as regular member of the establishment of the borrowing department.

3. Where, however, it is not intended to permanently absorb the deputationist in the borrowing department the deputationist must not be allowed to remain away from his parent cadre for unduly protected period; he should be reverted to the parent department on expiry of the period of deputation as originally fixed. If the borrowing department needs the services of another officer having the qualifications or experience possessed by the deputationist, a request should be made to the lending department to depute some other officer in his place possessing the same qualifications or experience as far as possible. The borrowing department in no case should insist on retaining a particular individual beyond the original period of deputation.

4. All Ministries, Divisions and Departments are requested to examine the cases of deputationists with them and take necessary action in the light of the above instructions. If relaxation of these orders is required in any individual case, it may be referred to Establishment Division with full justification.

[Authority.- Estt. Division O.M.No.1(28)/75-D.II, dated 6-3-1975].

Promotion on Temporary/ Regular Basis

SI. No. 209

At times, Establishment Division receives proposals for regularising the promotion of those promoted earlier against deputation, leave, etc. vacancies, on the grounds that regular vacancy has since occurred.

2. The matter has been considered in the Establishment Division in light of the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, read with the Promotion Policy covering promotion upto BS-21. It is clarified that an officer recommended for promotion on temporary basis by the Central Selection Board/Departmental Promotion Committee and approved by the competent authority is liable to reversion to lower post in case the higher post is subsequently either abolished or ceases to exist or its original incumbent joins back. However, if a temporarily promoted officer continues working against the higher post without any break and in the meanwhile a regular vacancy in the cadre becomes available, no fresh clearance of the Central Selection Board/DPC and approval of the competent authority is required for his promotion to higher post on regular basis. The officer will, therefore, be deemed to have been promoted on regular basis with effect from the date of occurrence of the vacancy on regular basis in the cadre, subject to the following conditions:-

a) No disciplinary/criminal proceedings have been initiated against him/her during the period from the date of temporary promotion till the occurrence of vacancy on regular basis.

b) His/her uptodate service record would form the basis for

assessing fitness for promotion on regular basis i.e. quantified score should not be less than minimum threshold prescribed for the purpose.

[Authority.- Estt. Division O.M.No.30/2/90-CP-3, dated 18-2-1997]. SI. No. 210

‘Promotion of officers while on deputation on foreign service.- The position regarding promotion, in their parent cadres, of Government servants transferred to “foreign service’ [as defined in Fundamental Rule 9(7)], and the benefits accruing to them from such promotion does not appear to be clear in some quarters.

2. Cases of promotion, in their parent cadres, of government servants who are transferred to foreign service and the emoluments admissible to them are regulated by the provisions of Fundamental Rules 113 and 114 which fall in Chapter XII of Section | of the Fundamental and Supplementary Rules, Vol. |, and not by the proviso to the ‘next below rule’ i.e., the second proviso below FR 30 which falls in Chapter IV of that rule and applies in cases of Government servants serving outside their ordinary line within Government service.

3. Under FR 113 a Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be

given such substantive or officiating promotion in these cadres as the authority competent to order promotion may decide, keeping in view the considerations mentioned in that rule. According to FR 114, read with orders issued thereunder, which have been printed in Appendix No. 11 to the Fundamental and Supplementary Rules, Vol. Il, a Government servant transferred to 'foreign service' in Pakistan shall, unless his duties in foreign service involve a decided increase in work or responsibility in comparison with duties of his post in Government service, be allowed the same remunerations as he would have received, from time to time, in Government service before his transfer to foreign service. It follows from

Note.- Please see also para 2(7) of the Estt.Secretary's d.o letter No.10(3)81-CPI(Pt), dated 31-10-82 regarding promotion policy.

these orders that if a Government servant who is on deputation to foreign service is promoted in his parent cadre, he should, if he continues to remain in foreign service, be allowed the remuneration which he would have received in the higher post in Government service to which he is promoted. The higher remuneration would, of course, be payable by the foreign employer.

[Authority.- Estt. Division O.M.No.F.6(4)-R-2/65, dated 9-2-1966]. SI. No. 211

Promotion of officers deputed for training abroad.- According to para (ii) of the Finance Division O.M. No. F.8(2)/R/II (I)/58, dated the 31st October, 1958 officers proceeding abroad for training are entitled to the pay which would have been admissible to them in Pakistan but for their deputation abroad. It has been brought to the notice of this Ministry that in some cases the officers while under training abroad are considered and approved for promotion to higher posts in Pakistan. In this connection, a question has arisen as to what extent the benefit of such promotion should be given to such officers. The matter has been considered and it has been decided that if an officer on training abroad and his turn for promotion arrives in his parent department or cadre in Pakistan, he should be considered for promotion alongwith other officers, and if he is approved for promotion in accordance with the relevant rules, he should be appointed formally (not actually) to the post in the higher grade. This would enable him to occupy on his return to Pakistan the position which he would have occupied had he not gone abroad on training. No financial benefit of the "next below rule' should be allowed to him in respect of his promotion. He should be allowed to count seniority and increment from the date of such promotion, but the actual pay of the higher post should be given to him only when he resumes the duties of the higher post on his return from training.

[Authority.- Finance Division O.M. No. 361-R 4/65, dated 25-3-1965].

Promotion Policy Governing Civil Servants on Training Abroad

SI. No.211-A:

The civil servants who are otherwise eligible for promotion but for their being on training abroad, shall therefore be considered for promotion by the competent promotion committees/Boards provided they fulfil the prescribed criteria of promotion. However, on approval by the competent authority, the promotion of these officers, shall actualize only on the successful completion of foreign training and on their return to their parent organization in Pakistan.

2. The instructions contained in Sl. No.213 of Estacode (1989 Edition) stand amended accordingly.

3. All Ministries/Divisions are requested to bring the above instructions to the notice of the promotion Board/Committees under their control.

[Authority.- Establishment Division O.M. No.F.10(10)/85-CP.1, dated 11.10.2000]. SI. No. 212

Promotion of an Officer/Official during LPR.- A question has arisen whether an officer/official who is on LPR can be considered for promotion against a higher post or otherwise.

2. The matter has been considered and the view held is that LPR is one of the types of leave to which a government servant is entitled. As he continues to be a Government servant and can be called even for duty, he can, therefore, be considered for promotion against a higher post during LPR.

3. All Ministries/Divisions are requested to bring these instructions to the notice of all concerned.

[Authority.- Estt. Division O.M.No.10/62/98-R.2, dated 26-6-1998].

SI. No. 213

Bar against promotion of ad hoc appointees.- The following further instructions are issued for regulating ad hoc appointments:-

(i) Persons appointed on ad hoc basis should possess the required qualifications and experience prescribed for posts.

(ii) Persons appointed on an ad hoc basis should not be promoted to higher posts.

[Authority.- Estt. Division O.M.No.3/29/70-D.III, dated 7-1-1971].

SECTION E

PROVISIONS RELATING TO COMMISSIONED OFFICERS AND OTHER RANKS RECRUITED OR INDUCTED ON REGULAR BASIS OR ON CONTRACT IN CIVIL POSTS

Terms and conditions SI. No. 214

It has been decided that Armed Forces officers seconded to civil Ministries (other than Defence), Departments of the Central/ Provincial Governments, Autonomous/Semi- autonomous Bodies and Corporations etc. will be governed by the following terms and conditions:-

1: Tenure

(a) Officers will normally be seconded for a period upto three years extendable, in exceptional circumstances, by one year by the Government, after which the officer will normally either be recalled to the parent service or released. No extension in service

(b)

(c)

(d)

will be allowed to officers who complete age/service limits for retirement during secondment.

If the deputation of an officer tends to become indefinitely prolonged, permanent absorption of the officer concerned in the civil cadre by retiring him from the parent service, would be considered.

In case of an emergency, the parent service will have the option of withdrawing a deputed officer without notice, if necessary.

An officer will have the option to request for return to his parent service if he feels that his service career is adversely affected by continued deputation.

Pay and allowances

(a)

(b)

(c)

The deputationists will be entitled to pay of rank, Command/Staff/Charge Pay, Instructional Pay, Qualification pay, Flying Pay/Submarine Pay/Special Service Group pay/Technical pay/Disturbance pay, Kit

Allowance and Non-Practicing Allowance drawn by them in the Military service immediately before their secondment in addition to 20% of pay of the rank as special compensatory allowance.

Entertainment Allowance.- Entertainment Allowance may be allowed according to the equivalence of rank formula at the rate admissible on the civil side.

Senior Post Allowance.-This allowance will not he admissible in addition to Command/Staff/Charge/ Instructional pay etc.

Pension including disability/Family Pension

(a)

(b)

(b)

Pension including disability/family pension will be granted to officers under relevant Military Pension Rules. They will count the period of service with the borrowing Ministries/Departments etc. as qualifying service for pension in the Army/Navy/Air Force.

The claims that the officers or their families may have in respect of the disability or death during the period of their employment under the borrowing Ministry/Department etc., or arising out of any disability contracted in such service, shall be determined solely in accordance with the relevant Military Pension Rules as amended from time to time, and the entire cost of any such pension shall be borne by borrowing Ministries/Departments _ etc. These Ministries/Departments will also be liable to bear proportionate share of any gratuities/ pensions that may be admissible to these officers in respect of their service under Military Rules. In case of officers on deputation to a Non-Government body, the pension contribution for pension admissible to them under relevant Military Pension Rules, in respect of Service rendered by them on deputation will be payable by the borrowing agency.

The officers will continue to be governed by Military Leave Rules.

Leave account of the officers will be maintained by the parent services in consultation with the borrowing organisations and leave will be granted by the appropriate authorities in borrowing organisations under intimation to Service HQ/OORO/Record Office concerned. Leave earned in the borrowing

organisations will be availed of, as far as possible, before reversion to the services.

5. Rank.- Acting/temporary rank will be retained/relinquished as if the officers had continued in Military Service in the appointment last held.

6. Promotion in the Services.- While on secondment they will not be entitled to acting/temporary promotions. However, substantive/ substantive temporary promotions will be made upto the rank held at the time they were seconded to civil department. This paragraph does not apply to AMC officers.

7. Travelling Allowance/Daily Allowance/Conveyance Allowance.- As admissible under civil rules.

8. Accommodation etc.

(a) Government accommodation will be provided under civil rules and rent will be paid under those rules.

(b) Normal water/electricity charges prevalent at the station will be paid.

(c) No Service accommodation/furniture will be provided.

9. Purchase of rations from service sources and other purchases from canteen stores Deptts/Officers shops etc.- They will not be entitled to make the above purchases.

10. Provision of Batman.- Batman will not be provided. 11. Cost of Passage/TA for joining post in the Ministry/ Department and returning therefrom.- This will be borne by the borrowing

Ministry/Department etc.

12. Defence Services Officers Provident Fund Contribution.- The officers will continue to contribute towards DSOP Fund.

13. Advance.- The officers may be allowed House Building Advance/Motor Car Advance from the relevant Services Budget as permissible under relevant Service Rules.

14. Discipline.- The officers will continue to be governed by the provisions of their respective Service Act/Rules/Laws. Day to day conduct and discipline will be governed by the rules of the borrowing Ministries/Departments etc. concerned.

15. In addition to the above, all other special concessions or perquisites such as free residential accommodation, use of transport at Government expense etc. which, otherwise normally go with a particular appointment to which the officer may happen to be seconded, will also be admissible to him.

16. The above perquisites are without prejudice to any improvements which the borrowing department may sanction in individual cases under special circumstances in consultation with their financial authorities.

17. Government letters containing the above terms will be issued in individual cases by the borrowing Ministries/ Departments etc.

18. The provisions of this JSI are not applicable to:- (a) Officers serving in the Civil Armed Forces (who will continue to be governed by their existing rules); and (b) officers who are absorbed in the civil department. 19. This JSI shall take effect from 14-12-1981. 20. JSI No. 46/59, PAC-666/60 and Ministry of Defence letter No. 401/64/PS-3 (a) 4005/D-2-A dated the 5th June, 1965 may be treated as Superseded by this JSI.

[Authority.- JS! 4/85-case No.F-2/70/D-24,(C-IV)/83,ASMF Dy.No.164/S/ASMEF of 1985.

Terms and Conditions of Service of Army Engineer Officers transferred to the Survey of Pakistan

SI. No. 215

1. General.- A fixed quota of 1/3rd of the available regular vacancies in the Central Service, Class |, of the Survey of Pakistan in the grade of Assistant Superintendent of Survey shall be reserved for the officers of the Corps of Engineers, Pakistan Army. Normally, the Corps of Engineers officers shall be of 5-6 years commissioned service, including antedate, if any, at the time of appointment in the Survey of Pakistan.

2. Selection.- The Surveyor-General shall intimate to the Military Secretary at General Headquarters the number of vacancies in the grade of Assistant Superintendent of Survey reserved for Army officers as and when they fall vacant. The Military Secretary shall then ask for volunteers from the Corps of Engineers and, in consultation with the Engineer-in-Chief, recommend suitable candidates to the Surveyor General. The appointment shall be made by the Government of Pakistan on the recommendations of the Surveyor-General.

3. Probation.-

(a) On first appointment, officers shall be on probation for a period of two years. If an officer is found unsuitable and the Surveyor-General desires his reversion to the Army or his services are required by the Army during this period he may be reverted to the Army by mutual agreement. The officers will have the option to revert to the Army during the probationary period.

(b) On successful completion of the probationary period, the officer shall be confirmed as Assistant Superintendent of Survey in the Survey of Pakistan.

4. Training.- The officers shall be exempted by General Headquarters from passing any Army promotion examinations, etc. This concession shall, however, cease upon their reversion to the Army either during or on

completion of the probationary period, when they may be given a maximum of two chances to pass the appropriate promotion examination.

5. Conditions of Service during Probationary period.- During the probationary period, the officers shall remain on the effective list of the Army and shall be counted as supernumerary to the authorised strength of the Corps of Engineers, and shall be governed by the following rules :-

(a) Rank.-

(b)

(c)

(d)

(i) They shall retain rank (including temporary rank) held at the time their services are placed at the disposal of the Survey of Pakistan.

(ii) The grant of time-scale substantive promotion during this period shall be governed by the normal Army rules, aS may be in force from time to time. Temporary promotions will be allowed on the basis of the ‘next below’ rule with the prior approval of the Military Secretary.

Pay and Allowances (other than TA/DA).- They shall receive the pay and allowances (other than TA/DA) which they would have received in the Army on duty.

TA/DA.- They shall get TA and DA as are admissible to the officers of corresponding status in the Survey of Pakistan.

Pension.- Any claim that these officers or their families may have in respect of their disablement or death during this period of service with the Survey of Pakistan or arising out of any disability contracted in such service shall be determined solely in accordance with the Central Civil Services (Extraordinary Pension) Rules, or any modification or

(e)

(f)

(9)

(h)

(i)

amendment to those rules for the time being in force, and the entire cost of meeting such claim shall be borne by the Survey of Pakistan. The Survey of Pakistan shall also be liable to pay the proportionate share of any service gratuity/pension that may be admissible to the officers in respect of their service with that Department.

House Rent.- Rent for accommodation provided by the Government shall be recovered under the Army rules.

Medical Treatment.- The officers and their families shall be entitled to the same medical facilities as their civilian counterparts in the Survey Department.

Leave.- Leave shall be admissible as provided in the Military Leave Rules.

Zonal Allowance.- The officers, if posted to the zone other than the zone of their domicile shall be entitled to receive a zonal allowance at the rate and subject to the conditions laid down by the Ministry of Defence.

Discipline.- For the purposes of discipline the officers shall be governed by the provisions of Rule 346 of the Army Regulation Volume | (Rules), 1960.

Confidential Reports.- Annual Confidential Reports on the officers shall be rendered on the same forms as are in use in the Survey of Pakistan. A copy of the report shall be sent to the Military Secretary.

6. Rules applicable after confirmation.- The officers shall be released from the Army without any pensionary benefits from the date of the confirmation in the Survey of Pakistan, and placed in the Pakistan Regular Reserve of Officers (PARRO) under the normal rules.

7. Seniority.- On first appointment, an officer shall be appointed as

Assistant Superintendent of Survey in the Central Service, Class |, of the Survey of Pakistan. His seniority in the Service shall count from his date of first commission, including antedate, if any.

8. Recall to Active Duty.- If the service of any military officer transferred to the Survey of Pakistan are required by the Army the Commander-in-Chief, Pakistan Army, may, at discretion order his recall to the Army.

9. Pay.- Their pay on confirmation in the Survey of Pakistan shall be fixed under F.R. 22. For this purpose, the pay in the Army shall be taken to include pay of rank, Staff/Command/ Charge/Instructional Pay, Qualification Pay and Disturbance Pay.

10. Medical Treatment.- On confirmation in the Survey of Pakistan, the officers shall be entitled to medical treatment under the rules and on the scale applicable to officers of the Central Government paid from the civil estimates.

11. Leave.- Officers permanently absorbed in the Survey of Pakistan shall be permitted to carry forward their privilege leave earned during Army service.

12. Confidential Reports.- Annual Confidential Reports on officers permanently absorbed in the Survey of Pakistan shall be rendered on the same forms as are in use in the Survey of Pakistan.

13. Option.- Army officers already transferred to the Survey of Pakistan shall have the option to accept the terms and conditions circulated to them vide Engineer-in-Chiefs Branch, General Headquarters O.M. No.1454/II/I/El, dated 14th April 1952, or the new ones prescribed above.

[Authority.- Food & Agriculture Division Notification No.S.R.O.81(K)/65, dated 22-1-965].

SI. No. 216

Procedure for use of military ranks and titles by serving and retired

military officers while employed on civil posts.- A question has been raised whether civil Government officers who held temporary military rank during the last war and were granted honorary military rank on release from the Army can properly use such rank in their new capacities.

2. The Ministry of Defence have intimated that it is not customary for retired military personnel to use their military rank or honorific titles in conjunction with their signature on private communications or on official documents other than official military documents. While the Government of Pakistan do not think it necessary to issue any formal orders on this question, they would prefer that the normal custom referred to by the Ministry of Defence be followed and that former holders of emergency commissions in civil Government employ should cease to use Military, Naval or Air Force ranks.

3. Nothing in this Memorandum refers to officers of the former Indian Political Service who are technically still serving officers of the Pakistan Army and have not retired.

[Authority.- Estt. Division O.M. No. 26/1/51-SE, Il, dated 6-3-1951]. SI. No. 217

Military Personnel who are employed in civil posts may use their military ranks in conjunction with their signature on official documents in the manner illustrated below:-

Major A.B.C. or

Lieutenant Commander A.B.C., P.N., or

Squadron Leader A.B.C., P.A.F.

The rank and signature should, in each case, be followed by the designation in civil employment.

2. The provisions of paragraph 1 do not apply to officers of the

Regular, the Supplementary and the Volunteer Reserves of Officers and the Territorial Army. Such Officers may use their military ranks with their signature on official documents only while they are serving in a military capacity with the Army, Navy or Air Force.

[Authority.- Estt. Division O.M. No. 6/4/61-F.1, dated 4-12-1961]. SI. No. 218

Employment of released/retired Armed Forces Officers/Personnel in civil posts.- The Ministry of Defence desires that they should be consulted in regard to the employment of released/retired military officers, in civil posts under the various Ministries/Divisions. Accordingly, it has been decided that whenever any Ministry/Division, or any authority under them propose to employ a released/retired military officer as a result of an application made to them direct (and not through the Ministry of Defence) the Ministry of Defence should be consulted by the Ministry/Division etc. concerned before such an officer is employed by them. The Ministry of Home Affairs etc. are, therefore, requested kindly to bring this decision to the notice of all concerned under them for their information and guidance.

[Authority.- Estt. Division O.M. No. 10/4/60-E. XIII, dated 3-6-1961].

SI. No. 219 The Government of Pakistan have decided that:-

(i) in filling ex-cadre posts, released/retired officers of the Armed Forces should be preferred to candidates from the open market, provided they possess the requisite educational and other qualifications and are otherwise suitable, and

(il) the maximum age limit, if any, may be relaxed upto a maximum of 10 years or the number of years an officer has actually served, whichever is less.

2. The decision is brought to the notice of all Ministries, Divisions with the request that all concerned under them may be informed of the decision for compliance.

[Authority.- Estt. Division O.M. No. 10/5/60-D.V., dated 6-11-1962]. SI. No. 220

The question of employment of Armed Forces (non- commissioned) personnel in civil posts has been under consideration for some time past and it has now been decided that in filling civil posts, released/retired personnel of the Armed Forces should be preferred to candidates from the open market, provided they possess the requisite educational and other qualifications and are otherwise suitable. It has further been decided that the maximum age limit, if any, may be relaxed up to a maximum of 10 years or the number of years a person has actually served the Armed Forces, whichever is less.

2. It is requested that the above decisions may please be brought to the notice of all concerned, for compliance.

[Authority.- Estt. Division O.M. No. 10/2/60-D.V., dated 17-9-1964]. SI. No. 221

Attention of the Ministries/Divisions is invited to the Establishment Division O.M. No. 10/5/60-D.V., dated 6th November, 1962, and Memo. No.10/2/60-D.V, dated 17th September, 1964 and it is stated that in the light of the decisions contained therein provisions on the following lines may be made in the recruitment rules.

(i) In case of ex-cadre Gazetted posts:

"The maximum age limit will be relaxed in the case of released/ retired officers of the Armed Forces of Pakistan upto a maximum of 10 years or by the number of years an officer has actually served the Armed

Forces, whichever is less."

(ii) In case of non-Gazetted civil posts which are filled otherwise than by a competitive examination held by FPSC:

"The maximum age limit will be relaxed in the case of released/ retired personnel of the Armed Forces of Pakistan upto a maximum of 10 years or by the

number of years a person has served the Armed Forces, whichever is less."

(it) In case of both ex-cadre gazetted posts and non-gazetted civil posts:

Released/retired officers/personnel of the Armed Forces will be preferred to candidates from the open market provided they posses the requisite educational and other qualifications and are otherwise suitable.

Note.- For the purpose (i) above, ex-cadre posts means odd jobs or isolated posts.

[Authority.- Estt. Division O.M. No. 5(1)/2/65-D.V., dated 10-3-1966].

SI. No. 222

Employment of Ex-servicemen in Government Departments against posts in Grade 1-4.- Attention is invited to the Government decision notified in 1962 to the effect that in filling ex-cadre posts, released/retired officers of the Armed Forces should be preferred to candidates from the open market provided they possess the requisite educational and other qualifications and are otherwise suitable. Instructions were also issued in 1964 for according preference to released/retired Armed Forces (Non-Commissioned) personnel for employment in civil posts over candidates from the open market provided they possessed the educational and other qualifications and were otherwise suitable. The instructions provide that the maximum

age limit may be relaxed up to a maximum of 10 years or the number of years a person has actually served in the Armed Forces whichever is less. In respect of Class IV jobs, and Class Ill posts of staff car drivers, the instructions provide for reservation of 50% vacancies for ex-servicemen.

2. The Ministry of Defence have reported that despite these instructions, the efforts of GHQ to provide employment for the maximum number of ex-servicemen have not achieved the desired result. The above instructions are brought to the notice of all Ministries/Divisions, the Attached Departments and the Subordinate Offices with the request that all appointing authorities should ensure strict observance of these instructions so that the maximum possible number of ex-servicemen are absorbed in civil posts.

3. There may also be vacancies both under the Federal Government and the Provincial Governments for which suitably qualified and experienced candidates from the open market may not be readily available. GHQ is of the view that released/retired Armed Forces personnel who are not only experienced, energetic, discipline and reliable but also dutiful and willing to work under abnormal conditions, can be suitably employed in the existing vacancies. It is, therefore, requested that vacancies for which suitable departmental/direct recruits are not available should be reported to the Ministry of Defence, Rawalpindi, so that GHQ may be asked to provide a panel of suitable ex-servicemen for selection by the appointing authorities.

4. The instructions in para 3 above do not apply to posts recruitment to which is required to be made, under the relevant rules, through the Federal Public Service Commission. All vacancies in such posts should continue to be reported to the Commission. The eligible ex-servicemen may apply direct to the Commission when the posts are advertised. However, the Ministries/Divisions and the various Departments under them some time do make ad hoc appointments against posts which are normally required to be filled through the Federal Public Service Commission, subject to replacement by the Federal Public Service Commission nominees and in accordance with the instructions regarding ad hoc appointments issued by Establishment Division from time to time. It is requested that particulars of vacancies

which are intended to be filled on ad hoc basis, by appointment of persons not already serving in the Department, may also be communicated to Ministry of Defence. The ex-servicemen if appointed on ad hoc basis shall be subject to replacement by the F.P.S.C. nominees.

5. It is also requested that suitable instructions may be issued by the Ministries/Divisions to the various autonomous' bodies and semi-autonomous bodies under them to employ ex-servicemen in as large a number as possible and for this purpose, details of the posts and the qualifications and experience required may be communicated to Ministry of Defence so that names of suitable ex-serving officers and men may be communicated to them for selection.

[Authority.- Estt. Division O.M. No. 17/1/68-D.IIIl, dated 18-10-1971]. SI. No. 223

In supersession of the existing practice when a vacancy occurs against the quota reserved for ex-servicemen, the demand for filling in such a vacancy should be placed on the Pakistan Armed Services Board Secretariat in the Ministry of Defence. The P.A.S.B. Secretariat will meet the required demand from its own pool or its Provincial Directorate. In case an ex-serviceman with the required qualifications etc. is not available, the P.A.S.B. Secretariat will inform the Department, who has placed the demand of the non-availability of such a person.

[Authority.- Estt. Division O.M. No. 14/I/76-D. Ill, dated 4-6-1976]. SI. No. 224

Reference Office Memo of even No. dated 4th June, 1976. The demand for filling vacancies reserved for ex-servicemen should be placed on the Pakistan Armed Services Board Secretariat in the Ministry of Defence. A copy of the Defence Division Office Memo No. 52/D. 14(W)/1177/76, dated 30th September, 1976 is enclosed (Annexure) for further guidance in the matter.

[Authority.- Estt. Division O.M. No. 14/I/76-D. III, dated 22-11-1976.]

ANNEXURE

Copy of Government of Pakistan, Ministry of Defence (Defence Division), Rawalpindi, O.M. No. 52/D-14 (W)/1177/76, dated the 30th September, 1976.

Reference is invited to the Establishment Division O.M.No. 14/1/76-D.Ill, dated the 14th June 1976 under which demand _ for re-employment of ex-servicemen are to be placed on the Pakistan Armed Services Board, Ministry of Defence, GHQ, Rawalpindi. The Board is in the process of instituting a system for providing suitable ex-servicemen for the required jobs. It will be appreciated that to meet the demand for re-employment of ex-servicemen at least one month's time is needed to enable the Board to call up candidates from their villages, conduct their interviews, select suitable personnel and forward their names to the requisitioning departments. At present the requisitioning departments are giving the Pakistan Armed Services Board only 3 to 4 days time within which all these formalities are to be completed. It is well nigh impossible to complete the required formalities within such a short time.

2. In case the demand is large it would always be available for the requisitioning departments to contact the Pakistan Armed Services Board and its subordinate offices at the Provincial/District level, seek their advice and chalk out a coordinated plan for the accomplishment of the task.

3. It is requested that the Federal Ministries/Divisions may kindly be advised to instruct the Departments/organizations under their control to allow a minimum period of one month to the Pakistan Armed Services Board for providing the names of suitable ex-servicemen for re-employment.

SI. No. 225

Reservation of 50% vacancies in Grades 1-3 and in Grade 4 of Staff

Car Driver/Despatch Rider.- Reference Establishment Division Office Memorandum No. 25/86/52-SE |, dated the 10th November, 1953. The decision contained in the Office Memorandum under reference has recently been reviewed by Government and it has now been decided that 50% of the vacancies in Class IV posts and the Class III posts of Staff Car Driver should be reserved for discharged, retired or demobilized Armed Forces personnel. The remaining 50% vacancies should be treated as open to all. However, ex-armed forces personnel may compete alongwith others for these vacancies as well.

2. The Ministries/Divisions are requested to bring this decision to the notice of all concerned under them for their information and guidance.

[Authority.- Estt. Division O.M. No. 1/8/58-D.V., dated 19-10-1962]. SI. No. 226

According to the existing instructions the vacancies reserved for ex- servicemen should not be filled by other persons unless the employing authority obtains a certificate from the Welfare and Rehabilitation Directorate, General Headquarters, Rawalpindi to the effect that suitable ex-servicemen are not available for employment. The vacancies in some of these grades are filled locally.

2. It has now been decided that if ex-servicemen are not available locally the vacancies reserved for them may be filled by ex-servicemen from other regions.

[Authority.- Estt. Division O.M. No. 14/I/74-D.1IIl, dated 23-12-1975]. SI. No. 227

Despatch Rider.- In accordance with the instruction contained in the Establishment Division Office Memorandum No. 1/8/58-D.V., dated 19th October, 1962, 50% vacancies in Class IV posts and Class III posts of Staff Car Drivers were to be reserved for discharge, retired personnel of Armed Forces.

2. After introduction of the National Pay Scales, such posts have been mentioned in terms of grades.

3. A question has arisen whether the posts of Despatch Riders (now in Grade 4) are governed by the instructions contained in the above mentioned circulares.

4. It is clarified for information of all the Ministries/Divisions that the posts of Despatch Riders in Grade 4 are governed by the above instructions as well as those contained in this Division circulares issued subsequently.

[Authority.- Estt. Division O.M. No. 14/4/75-D. Ill, dated 31-3-1976]. SI. No. 228

Submission of returns in respect of employment of released/retired armed forces personnel.- The Ministries/Divisions were directed vide Establishment Division Office Memoranda No. 1/18/58 D.V., dated 19th October, 1962, No. 1/14/63-D.V., dated 28th February, 1964, and No. 1/14/63-D.V., dated 14th January, 1965 that 50% of the vacancies in Grades 1 to 3 posts and the posts of Staff Car Drivers (in Grade 4) should be reserved for discharge/ retired or demobilized armed forces personnel, and the procedure to be followed in this connection was described.

2. The Ministries/Divisions are requested that a half yearly return relating to the main Ministry/Division, its Departments and offices giving the following information in respect of grades 1 to 4 should be sent to the Establishment Division on 31st July and 31st January:-

(1) Grade.

(2) Total number of posts.

(3) Total number of ex-servicemen in the grade.

(4) Number of vacancies occurred during the preceding six months.

(5) Number of vacancies filled in.

(6) Number of ex-servicemen employed during the preceding six months.

(7) In case ex-servicemen are not appointed against the

vacancies reserved for them, the reasons therefor.

[Authority.- Estt. Division O.M. No. 17/1/68-D. III, dated 9-5-1974 read with O.M. of even number dated 22-6-1974].

SI. No. 229

It has been observed that certain Ministries/Divisions are not implementing in letter and spirit the instructions issued by this Division regarding employment of ex-servicemen on 50% posts in Grades 1 to 4 under the Federal Government. In this connection attention is invited to Establishment Division O.M. No. 17//68-D. Ill, dated 9th May, 1974, (-) and subsequent instructions issued vide Establishment Division O.M. Nos. 17/1/68-D. Ill, dated 22-6-1974; 14-1-74-D.lll, dated 16-8-1974; 14-1-73-D.Ill, dated 28-1-1975; 14-1-74-D.Ill, dated 23-12-1975; 14-1-76-D. Ill, dated 4-6-1976; 14-1-76-D. Ill, dated 22-11-1976; 14-4-75-D. Ill, dated 31-3-1976 and 14-1-73-D. Ill, dated 10-6-1977.

2. In this Division O.M.No.17-1-68-D. Ill, dated 22-6-1974 the returns in the prescribed form were required to be sent on half yearly basis so as to reach this Division by the 31st July and 31st January each year. The returns should now be sent in the enclosed proforma in accordance with the already laid time-table.

3. The Ministries/Divisions are also requested to send a consolidated statement of these returns relating to the Division as a whole including the information relating to their Attached Departments and Subordinate Offices, etc. by the due date as mentioned in para 2 above, with a copy to the Ministry of Defence.

[Authority.- Estt. Division O.M. No. 14/I/73-D.Ill, dated 19-9-1977]. SI. No. 230

The returns received in the Establishment Division show that ex- servicemen have not been employed in grades 1-4 posts to the extent of the reservation made for them. Ministries/Divisions are, therefore, requested to ensure that the posts reserved for ex-servicemen are filled by such persons

as for as possible. The Departments/Offices under administrative control may please be instructed accordingly.

[Authority.- Estt. Division O.M. No. 14/1/73-D.Ill, dated 29-5-1978].

Induction/re-employment of officers of Armed Forces of Pakistan in civil posts

"SI. No. 231

‘Note.- The instructions reproduced under this Serial Number may please be read with subsequent amendments/clarifications reproduced under SI.Nos. 220 & 222 - 225 SI.Nos. 228 - 233.

The question of institutionalising the induction and re-employment of officers of the Armed Forces of Pakistan in civil posts has been under consideration for sometime past. The President has now been pleased to decide that induction of officers of the Armed Forces of Pakistan and their re-employment, as the case may be, shall be regulated by the following instructions:-

PART |

2. Induction of young officers of Armed Forces of Pakistan upto 8 years commissioned service in civil posts shall be made in accordance with Part Il.

3. Induction of officers of the rank of Major or equivalent who may retire or may have retired on completion of the prescribed age or service limit shall be made in accordance with Part Ill.

4. Re-employment of officers of the rank of Major or equivalent who may retire or may have retired before completion of the prescribed age or service limit and of retired officers of the rank of Lieutenant Colonel and above and equivalent shall be made in accordance with Part IV.

PART Il

5. Young officers of the Armed Forces upto 8 years of commissioned service will be eligible for induction in grade 17 on regular basis upto 10% of the annual direct recruitment vacancies in the specified occupational groups direct recruitment to which is made through the combined competitive examination held by the FPSC annually.

6. Induction will be made through the High Powered Selection Board constituted by the President for the purpose. The High Powered Selection Board will also determine the Occupational Groups to which the officers are allocated. For this purpose, each Service Chief may be asked to recommend by the 30th June every year names of officers for induction in grade 17 in various groups, keeping in view their educational qualifications and experience. For each vacancy, a panel of preferably 3 officers may be recommended. The recommendations will be scrutinised by the Ministry of Defence before they are placed before the Board.

7. Officers inducted in various groups will be adjusted against vacancies allocated to the Province or Provinces to which they belong.

8. The officers will be appointed on regular basis, and the probation period shall be deemed to have been waived. On appointment to the civil post, the officers will sever their connection with the Armed Forces.

9. The officers will receive the same training as is given to the probationers appointed on the results of the competitive examination held by the FPSC and will be required to pass completely the prescribed examinations during or on conclusion of the training. Their promotion to the higher grade will be governed by normal rules, and will be subject to the further condition that they have completely passed the prescribed examinations during or on conclusion of the training.

10. The inducted officers will count their seniority from the year in which they are inducted, recruits of the same year retaining their seniority, inter se. They will be placed above the competitioners of the year with whom they receive the training.

11. (a) The pay of the inducted officers in civil grade will be fixed on the basis of their pay in the substantive rank or temporary rank, if held for one year.

(b) Service rendered in Armed Forces will count towards civil pension. "PART III

12. The officers of the rank of Major and equivalent who may retire or may have retired on completion of the prescribed age or service limit will be eligible for induction in grade 18 on regular basis upto 10% of the annual vacancies in the various groups and cadres in that grade, as may be specified.

13. Induction will be made through the High Powered Selection Board in accordance with the procedure laid down in para 6.

14. In selecting officers for induction, provincial quotas will be kept in view.

15. The inducted officers will count seniority in the grade in which they are inducted from the date of their induction.

16. The pay of inducted officers will be fixed in the civil grade on the basis of their pay of the substantive rank or temporary rank, if held for one year.

17. The inducted officers will continue to draw their military pension but it shall be deducted from the civil pay. In addition to the military pension, the officers will be entitled to a civil pension on their retirement from civil employment if they have completed the prescribed qualifying service (/.e. 10 years of minimum service). They will be entitled to receive gratuity if they have rendered more than 5 years and less than 10 years of service in the civil post.

“Please see revised instructions vide Estt. Division O.M.No.1/19/80-IC.1, dated 4-12-1980.

PART IV

18. Officers of the rank of Major/ equivalent who retire or may have retired before completion of the prescribed age or service limit and officers of the rank of Lieutenant Colonel and above and equivalent who may retire or may have retired either after completion of prescribed service or age limit or before such completion will be eligible for re-employment on contract for 3 to 5 years, renewable upto the age of 60, upto the maximum of 10% of annual vacancies in various groups and cadres, as may be specified, on the terms and conditions mentioned hereinafter.

19. Re-employment will be made in grades equivalent to their substantive rank, or temporary rank, if held for one year, in accordance with the Army rank-civil grade equivalence formula already approved by the President. However, the officers will be eligible for being considered for a subsequent contract in higher grade.

‘[Re-employment of officers may be considered for a higher grade either at the time of subsequent contract or after completing service of three years in the existing contract whichever is earlier].

20. Re-employment on contract basis will be made through the High Powered Selection Board which will also determine the group or cadre in which re-employment is to be made. The procedure for selection will be the same as prescribed in para 6.

21. In selecting Officers for re-employment provincial quotas will be kept in view.

22. Re-employment on contract in various grades shall be made by the authorities competent to make appointment to these grades in accordance with rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

23. The re-employed officers will be eligible for such training as is given to their civilian counterparts.

24. Re-employed officers will not have any seniority and will not be placed on the regular gradation list.

“Added vide Estt. Division O.M.No.1(25)/80-IC.1, dated 7.3.1982.

(25. Pay of the retired officers of the Armed Forces, who are re-employed in civil posts on contract in grades equal to the substantive rank or temporary rank, if held for one year, may be fixed at the minimum of the grade in which re-employment is made and full service pension should be paid in addition. Service rendered on civil side shall not qualify for a second pension.]

26. The Armed Forces officers re-employed on contract shall be liable to serve anywhere within or outside Pakistan, in any post under the Federal Government or Provincial Government or local authorities, or a Corporation or body set up or established by such Government provided that nothing contained in this paragraph shall apply to an officer re-employed specifically to serve in a particular area or region and further provided that where such an officer is required to serve in a post other than the post in which he has been re-employed, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

27. “T |.

“[28. In case no orders are received by the date on which the contractual period expires the contract shall be deemed to have been terminated; unless otherwise ordered].

29. The conduct of re-employed contract officer shall be regulated by rules made, or deemed to have been made or instructions issued, by Government or a prescribed authority as for civil servants under section 15 of the Civil Servants Act.

30. A re-employed contract officer shall be liable to such disciplinary action and penalties in accordance with the rules made or deemed to have been made under section 16 of the Civil Servants Act, 1973.

31. The Armed Forces officer re-employed on contract shall be governed by the leave rules contained in the Finance Division O.M. No. F. 1(2)-Rev. |/78, dated the 21st September, 1978. However, provisions contained in para 3(ii) and (iii), 5, 6, 10, 11 and 17 shall not apply.

“Subs vide Estt. Division O.M. No. 14/5/78-D.III, dated 5-5-1980. “Omitted and added vide Estt. Division O.M.No. 1(3)/86/CP-6, dated 1-1-1987.

32. The leave at the credit on an officer shall be carried forward in case a contract is extended without any interruption. However, all leave at the credit of an officer shall lapse on the date of final expiry or termination of the contract.

33. The officer will be entitled to T.A. on tour and transfer and to medical attendance and treatment on the scale applicable to civil servants of corresponding grade.

34. Where a right to prefer an appeal or apply of review in respect of any order relating to the terms and conditions of his service is provided to an officer of Armed Forces re-employed on contract under any rules made applicable to him such appeal or application shall, except as may be otherwise prescribed, be made within thirty days or the date of such order.

35. Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a re-employed officer aggrieved by any such order may, within thirty days of the communication to him of such order made a representation against

it to the authority next above the authority which made the order.

36. The existing officers of the category mentioned in this part who have already been appointed on contract in civil posts shall be eligible to elect terms and conditions specified in this part. They shall be required to give their option either to elect their existing conditions of appointment or to elect the terms and conditions laid down in this part for the remaining period

of their contract. The option shall be given within two months of the date of issue of this O.M. They will be brought on the terms and conditions laid down in this part with effect from 23rd December, 1979, the date on which the President was pleased to approve the scheme. Those who fail to submit their option by the prescribed date shall be deemed to have elected their existing terms and conditions. Option shall be final.

PART V

37. Any major difficulties in implementing these decisions will be resolved by reference to a committee comprising Establishment Secretary, Finance Secretary and Law Secretary. The reference will be made through the Establishment Division who will initially examine it and in case they are unable to remove the difficulty, the matter will be placed before the Committee.

38. This Office Memorandum issued with the concurrence of the Ministry of Finance.

[Authority.- Estt. Division O.M. No. 14/5/78-D. Ill, dated 10-2-1980].

SI.No. 231-A

As per policy circulated vide Establishment Division’s O.M. No. 14 (5)/78-D-IlIl, dated 10-02-1980, as amended from time to time, the retired officers of the Armed Forces are eligible for re- employment, on the recommendations of the DSOSB, against 10% of the annual vacancies, in the specified Ministries/Divisions/Departments/service groups of the Federal Government as per procedure/instructions outlined therein. Separate Selection Boards are set up in the provincial governments and in the corporations and autonomous/semi-autonomous bodies to select suitable retired officers of the Armed Forces for re-employment under these governments/corporations etc.

2. The competent authority has been pleased to approve the

following further guidelines on the subject:-

(i)

(ii)

As a matter of principle all requests for re-employment of retired officers of the Armed Forces may invariably be sent to the Services HQ for proper scrutiny & placing before the DSOSB as per policy and individual requests may not be entertained. As per its existing charter, the Defence Services Officers Selection Board (DSOSB) shall consider cases strictly against 10% annual vacancies in the specified departments/ organizations/groups/ services listed in Annexure-l.

Employments/re-employments of Defence Services Officers in civil over and above 10% annual vacancies quota shall continue to be processed by the Establishment Division in coordination with the Defence Division and Services Headquarters/W&R Dte. Of GHQ, after such proposals are cleared by the Chief Executive of Pakistan on merit of each case, and in the public interest.

3. It is requested that these instructions/guidelines may be noted for strict compliance and circulated amongst all the departments/ organizations/groups services etc. working under the Ministries/Divisions of the Federal Government/Provincial Governments for similar action.

[Authority: Establishment Division's O.M. No. 3/69/2000-CP-7, dated 27-03-2001]

Annexure-!

LIST OF SPECIFIED MINISTRIES/DIVISIONS/SERVICES GROUPS

OPO. Ber GONG it

Office Management Group (OMG) (BS-18 only) Secretariat Group (BS-19 & above) Information Group -do-

Foreign Service of Pakistan -do-

Ministry of Education -do-

Ministry of Health -do-

7. Ministry of Communications -do-

8. Intelligence Bureau (I.B) -do- 9. Ministry of Railways -do- SI. No. 232

Under the existing policy Army service does not reckon for the purpose of move-over in respect of the officers inducted in civil posts on regular basis under Part-II of induction policy circulated vide Establishment Division's O.M.No.14/5/78-D.IIl, dated 10-2-1980. The matter has been examined in consultation with the Establishment Division and decided that the commissioned service rendered by an officer in the Armed Forces prior to induction into the civil post on regular basis under Part-II of Induction Policy, referred to above, may be included in the length of service for the purpose of grant of move-over subject to the following conditions:-

(i) There is no break in service between the previous commissioned service rendered by them in the existing Government department besides such commissioned service has also been counted towards fixation of pay in the existing Government department.

(ii) He is not drawing pension against the service rendered in the Armed Forces.

[Authority.- Finance Division O.M.No.F.6(12)-R-3/89-Imp-|, dated 31-10-1990].

SI. No. 233

The question of pay-fixation and seniority of the Armed Forces officers inducted on permanent basis into the civil in various groups prior to the promulgation of the induction policy, vide this Division's O.M. of even number dated 10th February, 1980 (SI. No.221) has been under consideration of the Government. It has now been decided that pay-fixation and seniority of such officers will be determined on the following conditions:-

(i) These officers will be deemed to have been inducted into their respective groups with effect from the date they started Officiating against posts in the said groups on transfer from the Army.

(il) They will count their seniority in the relevant grades with effect from the date of induction.

(iil) Their pay and allowances will be fixed in civil scales of pay in accordance with the rules on the subject.

(iv) In the case of officers who have continued to draw Army pay, their present pay will be fixed after allowing them due increments. They will cease to draw Army pay and allowances with effect from 1st August, 1981.

(v) Any pay and allowances drawn in excess of the civil rates of pay between the date of their induction and 1st August, 1981 will be written off.

2. The above conditions will also apply to those Defence Services officers inducted in various groups who have already retired from Defence Service.

[Authority.- Estt. Division O.M.No.14/5/78-D. 11.1 dated 14-7-1981]. SI. No. 234

Reference Part-lll, para 12 of Establishment Division's Office Memorandum of even number dated 10th February, 1980 (SI. No. 221), the President has been pleased to decide that officers of the rank of Major or equivalent retiring on medical grounds (Category C) before attaining the specified length of service/age will also be eligible for induction in grade 18 on regular basis in the various specified groups and cadres.

[Authority.- Estt. Division O.M. No.14/5/78-D.III, dated 16-7-1981]. SI. No. 235

According to para 27, Part IV of Establishment Division's O.M. No. 14/5/78-D. Ill, dated 10th February, 1980 termination of contract, either on

expiry of contract or otherwise, is to be done through the High Powered Selection Board.

2. The President has been pleased to decide that resignations tendered by contract officers need not be processed through the Defence Services Officers Selection Board and that such resignations should be submitted to the competent authority for acceptance without referring them to the aforesaid Board.

[Authority.- Estt. Division O.M. No. 1(19)/80-I.C.1. dated 11-8-1981]. SI. No. 236

Reference Establishment Division's O.M.No.14/5/78-D.3, dated 10th February, 1980 (SI. No. 221), in modification of para 16, Part Ill, of Estt. Division's O.M. referred to above, the President has been pleased to decide that the pay of serving officers of the Armed Forces of the rank of Major and equivalent inducted in civil posts on permanent basis, will be fixed as follows:-

(a) These officers will be allowed to get their Army pay and allowances during the period of their training except kit allowances; and

(b) On the termination of their training and on regular posting their pay will be fixed in civil post in NPS-18 on the basis of their pay of substantive rank or temporary rank if held for one year, including the following as part of pay:

(i) Disturbance pay.

(ii) Qualification pay.

(iii) Command/Staff/Charge pay. [Authority.- Estt. Division O.M. No. 8(4)/81-CP.V, dated 11-1-1983].

SI. No. 237

Reference is invited to Establishment Division's O.M. No. 14/5/78-D

Ill, dated 10th February, 1980 (SI.No.221) it is stated that the Prime Minister has been pleased to direct that the following amendments shall be made in the said office memorandum, namely:-

(a) Para 27 in Part IV shall be omitted, and

(b) for para 28, the following shall be substituted:- "IN case no orders are received by the date on which the contractual period expires, the contract shall be deemed to have been terminated, unless otherwise ordered."

2. To avoid any hardship to officers affected by the amendment in para 28 of the said memorandum, the Prime Minister has been pleased to direct that the said amendment shall not apply to officers whose contractual period has either expired or would expired within 3 months from the date of issue of this amendment but no orders extending or terminating such contracts have been received by the Ministries/Divisions.

3. The Ministries/Divisions are requested to identify and submit such cases, alongwith their recommendations, to the Establishment Division within the next fortnight for placing them before the Defence Services Officers Selection Board and obtaining orders of the competent authority.

[Authority.- Estt. Division O.M.No.1(3)86-CP-6, dated 1-1-1987]. SI. No. 238

The President has also been pleased to decide that instructions contained in the Establishment Division O.M. No. 14/5/78-D. Ill, dated 10th February, 1980, will also apply, mutatis mutandis to the corporations and other autonomous bodies set up by the Federal Government or working under their administrative control.

2. All Ministries/Divisions are requested to advise the corporations and other autonomous bodies under their administrative control to draw instructions for induction or re-employment of officers of Armed Forces of Pakistan in various posts in the corporations on the lines of the instructions contained in the office memorandum under reference and issue them with the approval of the competent authority.

[Authority.- Estt. Division O.M. No. 14/5/78-D.IIl, dated 11-2-1980].

SI. No. 239

With reference to the Establishment Division O.M. No.14/5/78-D. III, dated the 11th February, 1980 (SI.No.228) it is stated that the instructions contained in Estt. Division's O.M. of even number, dated the 1st January, 1987 (SI.No.227), will also apply, mutatis mutandis to the corporations and autonomous bodies set up by the Federal Government or working under their administrative control.

2. All Ministries/Divisions are requested to advise the corporations and other autonomous bodies under their administrative control to make necessary amendments to the instructions issued by them for induction or re-employment of officers of Armed Forces of Pakistan in various posts in the corporations.

[Authority.- Estt. Division O.M.No.1(3)/86-CP.6,dated 14-1-1987]. SI. No. 240

Under Establishment Division's O.M.No.14/5/78-D.IIl, dated 10th February, 1980, 10% of the annual vacancies in the specified Occupational Groups and cadres are required to be filled by the retired officers of the Armed Forces of Pakistan. Groups and cadres to which these officers can be appointed have now been specified. It has been decided that:

(a) "except the following all Occupational Groups will be open to the Armed Forces Officers for induction/re-employment in Grade 17 and 18:-

(1) Economists and Planners Group.

(2) Trade and Commerce Group.

(3)

Office Management Group.

"Note.- For revised instructions, please see SI. No. 231 of this Chapter.

(b) The following Groups only will be open for appointment in Grades 19 and above:-

(1) (2) (3) (4)

Secretariat Group.

Foreign Affairs Group.

Information Group.

Accounts Group (for those Officers only who have experience of Finance and Accounts).

2. At present the Defence Services Officers Selection Board headed by the Minister for Interior is required to select Officers of the Armed Forces for induction/re-employment in civil posts in the Federal Government, Provincial Governments, Corporations and Autonomous/ Semi-Autonomous Bodies set up or established by such Governments. It has been felt that there is a need to decentralize the powers for effective implementation of the policy regarding induction/re-employment of the officers of the Armed Forces. It has therefore, been decided that:-

(a)

(b)

The Defence Services Officers Selection Board should restrict itself to select officers only for the All Pakistan Unified Grades and the Federal Unified Grades.

Separate Selection Boards should be set up in the Provincial Governments to select retired officers of the Defence Forces for re-employment under those

Governments.

(c) Separate Selection Boards should also be set up for re-employment of such officers in the corporations and autonomous/semi-autonomous bodies. These Boards will be headed by the Minister of the Administrative Ministry concerned and should include the Secretary of that Ministry and the Chairman/ Managing Director of the corporation concerned.

3. Each Ministry and the Provincial Governments will intimate the number of vacancies allocated/reserved for the Armed Forces Officers by the 30th June each year to the Ministry of Defence under intimation to this Division. Ministry of Defence will recommend/propose a panel of names of the Armed Forces Officers, to be considered for appointment to the posts. Preferably three names should be recommended/proposed for each vacancy. This Division shall also be informed of the final selection made.

4. The Ministries/Divisions and the Provincial Governments are requested to take immediate action for implementing these decisions.

[Authority.- Estt. Division O.M. No. 1/22/80-Ind.-Cell, dated 29-11-1980]. SI. No. 241

In partial modification of Establishment Division O.M. No.14 /5/78-D. Ill, dated 10th February, 1980 (SI. No.221), it has been decided that;

(i) In future, the induction of serving officers of the Armed Forces of Pakistan will be confined only to DMG, FAG and Police Group in grade 17 posts against the following annual intake:-

District Management Group.... 5 Foreign Affairs Group....... 3 Police Group............06 2

(il) No induction of serving Armed Forces Officers in grade 17 &

18 will be made in any other occupational group or service in the Federal Government or provincial Governments.

(iti) Annual induction in grade-18 will not be a regular feature but a limited number of serving Majors or equivalent rank may be chosen by the President. Such cases will be processed through the Defence Services Officers Selection Board and put up to the President for approval.

(iv) Retired officers of the rank of Major or equivalent will be eligible for appointment only in Autonomous Bodies/Corporations either on contract or regular induction according to the option of the officers. They will also be eligible for appointment on contract basis against 10% vacancies of Section Officers in grade-18 in the Federal Secretariat.

(v) Existing retired officers of the rank of the Major or equivalent, who have been inducted as Section Officers in the Federal Secretariat may also exercise the option for employment on contract basis for an initial period of three years with immediate effect. The last date for exercising this option is 31st March, 1982.

[Authority.- Estt. Division O.M. No. 1/19/80-IC(Pt)/CP-5, dated |-3-1982]. SI. No. 242

In partial modification of Part Ill of the Estt. Division's O.M.No.14/5/78-D.IIl, dated 10th February, 1980 on the subject, it has been decided that:

(a) The officers of the rank of Major and equivalent, who may retire or may have retired on completion of the prescribed age or service limit, will be eligible only for induction in grade 18 on regular basis in civil posts under the Federal Government and Provincial Governments upto 10% of the annual vacancies in the various groups/cadres, as may be

specified.

(b) The officers of the rank of Major and equivalent who may retire, or may have retired on completion of the prescribed age or service limit will be eligible also for induction on regular basis as well as re-employment on contract in Grade- 18 or equivalent posts in corporations and autonomous/ semi-autonomous bodies under the Federal and Provincial Governments upto 10% of the annual vacancies. Both the regular induction and re-employment on contract will be made on recommendations of the High Powered Selection Board.

(c) If selected for appointment to posts in corporations or autonomous/semi-autonomous bodies, the officers will be asked to exercise an option whether they want to be re- employed on contract or permanently inducted on regular basis upto the age of superannuation. Option once exercised shall be final.

(d) Such officers as are re-employed on contract will be governed by the terms and conditions mentioned in Part IV of the Establishment Division O.M. referred to above.

[Authority.- Estt. Division O.M.No.1/19/80-IC-I,dated 4-12-1980].

SI. No. 243

Attention is invited to the Establishment Division's Office Memorandum No. 14/5/78-D.III, dated 10th February, 1980 (SI.No.221), as amended from time to time and it is stated that according to the existing instructions all cases of induction/ re-employment on contract of serving retired officers of the Armed Forces in civil posts are required to be processed through the Defence Services Officers' Selection Board. It has now been decided by the Prime Minister that cases of extension in contract re-employment should also be processed through the Board.

2. Cases for extension in contract re-employment are placed before the Board after obtaining panel of two or more officers in each case from the

Ministry of Defence. The Board considers such cases in the light of recommendations of the Administrative Ministries/Divisions/Departments, performance/service record of the officer and exigencies of the service. Recording of minutes of the meetings and completion of other formalities such as submission of summaries to the Prime Minister and soliciting his orders take sufficiently long time. According to para-28 of the Policy as amended vide Establishment Division's Office Memorandum of even number dated 1-1-1987 (SI. No.225) if no orders are received by the date on which the contractual period expires, the contract is deemed to have been terminated. It is also not possible to convene the meetings of the Board frequently and at a short notice.

3. To ensure that cases of extension in contract re-employment are finalized before the maturity of contract appointments, it is imperative that such cases should be initiated well in advance.

4. In view of the position explained above, all Ministries/ Divisions/Departments are advised to submit cases of extension in contract re-employment of retired officers of Armed Forces at least four months in advance of the date of expiry of contract, to ensure timely decision.

[Authority.- Estt. Division O.M.No.1(3)/88-CP.6, dated 14-3-1988].

SI. No. 244

Induction/Re-employment of Armed Forces Officers into civil posts.- The methodology of induction of officers of the armed forces in civil remained under active consideration of the Establishment Division. The issue was also examined thoroughly by the Recruitment Policy Committee. On the recommendations of the Recruitment Policy Committee, the Prime Minister has been pleased to approve as under:-

a) Officers of the armed forces, irrespective of their rank, will be eligible for induction in the civil to posts in pay scale 17 only provided-

i) their overall service record in the armed forces is not below "High Average” and

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b)

c)

d)

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ii) they are below 32 years of age.

Induction will be allowed only in the following occupational groups:-

i) District Management Group ii) Foreign Service of Pakistan iil) Police Service of Pakistan

Induction will be equal to 10% of annual vacancies in each of these groups with a minimum of 2 vacancies in each group.

Induction/allocation to various occupational groups will be through FPSC instead of Defence Services Officers Selection Board (DSOSB).

Each Service Headquarter shall have a Board which will examine the cases of officers willing to be considered for induction in civil and who fulfil the conditions indicated above.

Each Board shall recommend to the Ministry of Defence names equal to double the number of available vacancies.

The FPSC will select officers and allocate them to occupational groups on the basis of psychological test, viva voce and regional/provincial quota.

‘[Re-employment of the retired officers of the Armed Forces in civil besides office Management Group, Secretariat Group, Foreign Service of Pakistan and Information Group has also be extended upto 10% of the annual vacancies in Ministries of Health, Education, Communications and Intelligence Bureau. There will be no re- employment in Accounts Group in future].

2. Policy governing induction/re-employment of the officers of armed

forces in civil stands amended to the extent discussed above.

3. The Prime Minister has desired that the nominations already forwarded by the Ministry of Defence for induction in the civil may be treated as the nominations for the year 1991 and forwarded to FPSC for consideration. The needful has been done.

4. The Majors nominated by Ministry of Defence vide Annex-C to O.M.No.2/25/D-24(C.IV)/91, dated 6th July, 1991 will also be considered for induction provided they are below 32 years of age, their overall record in the armed forces is not below "High Average" and they are willing to be inducted in posts in BPS-17.

[Authority.- Estt. Division O.M.No.10(1)/91-CP.I, dated 9-9-1991]. SI. No. 245

Re-employment of retired Armed Forces Officers in civil in specified service Groups/Ministries through Defence Services Officers Selection Board (DSOSB).- Attention is invited to the Establishment Division's O.M.No.14/5/78-D-IIl, dated 10th February, 1980 on the subject amended from time to time, the Prime Minister has been pleased to approve that the employment of the retired Armed Forces officers will be on cyclic basis upto a maximum period of O5(five) years in each case (commencing from the date of the re-employment of the first officer against that vacancy) or till the date of attaining the age of 60 years, whichever is earlier.

2. Policy governing induction/re-employment of the officers of Armed Forces in civil stands amended to the extent as mentioned in Para 1 above.

[Authority.- Estt. Division O.M.No.4/1/96-CP.7, dated 14-2-1998]. “Subs vide Estt. Division O.M.No.8/5/96-CP.6/7, dated 30-8-1997.

CHAPTER III

TRANSFERS, POSTINGS

AND DEPUTATIONS ( )

TRANSFERS, POSTINGS AND DEPUTATIONS PART I.- POSTINGS AND TRANSFERS

General conditions regarding

Postings, Transfers and Deputation

SI. No. 1

F.R. 15. (a) The Governor-General may transfer a Government servant from one post to another; provided that, except-

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under rule 14.

(6) Nothing contained in clause (a) of this Rule or in clause

(13) of Rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of rule 14.

Government decision.- Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F.R. 15.

[Authority.- Government of India, Finance Division letter No.F-452-R.1/27, dated 1-2-1928].

SI. No. 2

Policy guidelines for postings/transfers of officers.-It has now been decided by the President that postings/transfers of officers of Grade-17 and above in all Occupational Groups/ Services/Ex-cadre posts, etc., will henceforth be made according to the Rules of Business by the respective Ministries/Departments who are responsible for their administrative control.

2. The following guidelines may, however, be observed by the Ministries/Departments regarding policy concerning transfers:-

(1) Transfer between Pakistan and foreign countries should normally be made only after 3 years. If an officer is required to be transferred earlier than 3 years, the orders of Establishment Division are required to be obtained.

(2) Officers should not be transferred as a result of their taking leave for short periods for rest and recreation for which only acting arrangements should be made.

(3) Ordinarily 3 months notice should be given to Government servants who are transferred from one station to another to enable them to plan their affairs.

3. The above instructions may be passed on to Departments under the administrative control of the Division/Ministry.

[Authority.- Estt. Secretary's D.O. letter No.1/24/78, C.P., dated 30-9-1978]. SI. No. 3

It has been observed that Government instructions with regard to normal tenure for an officer on the same job/post issued from time to time are not being followed with the result that in some Ministries/Divisions/Departments officers have continued to work on the same desk for unduly long periods. The position has been reviewed and the competent authority has laid down the following criteria for posting/transfer of the officers working in Ministries/ Divisions and the Attached Departments/Subordinate Offices, Autonomous and Semi-Autonomous Organizations, under their administrative control:

I. POSTINGS/TRANSFERS WITHIN PAKISTAN

i) The normal tenure of an officer on the same post should be three years. Posting of an officer on the same post beyond the normal tenure will require concurrence of the competent authority, in each case.

ii) Shifting of the officer may be phased in a manner that no dislocation in the official work takes place due to large scale transfers.

iil) Ordinarily, three months notice should be given to the officer who is to be transferred. Exception may, however, be made in case the officer is required to be

shifted immediately in the public interest with the approval of the competent authority.

iv)

v)

Orders for premature transfers in the Ministries/

Divisions/Departments of the Federal Government should be referred to the Establishment Division; and in the Autonomous/Semi-Autonomous Organi- zations to the administrative Ministry concerned.

These instructions will not strictly apply to technical

and professional officers/experts recruited for particular posts. However, posting/transfer of such officers may also be rotated in their parent departments/cadres as far as possible in accordance with the rules of the post.

POSTINGS/TRANSFERS TO PAKISTAN MISSIONS ABROAD(OTHER THAN POSTS ADMINISTERED BY MINISTRY OF FOREIGN AFFAIRS)

i)

i)

ii)

Posts in foreign missions abroad should be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry;

The controlling Ministry should prepare a panel of suitable officers for the post;

The panel of suitable officers should be considered by a committee of the controlling

Ministry including a_ representative of the Establishment Division.

iv) |The recommendations of the Committee should be considered by the Special Selection Board; and

v) |The recommendations of the Special Selection Board should be submitted to the competent authority for approval.

2. Ministries/Divisions are requested to proceed further in the matter of postings/transfers as above and bring these instructions to the notice of all Departments, Offices, Autonomous/Semi- Autonomous Bodies and Corporations under their control for strict compliance.

[Authority.- Estt. Division O.M. No.10/10/94-R.2, dated 22-3-1994]. SI. No. 4

Posting of serving husband/wife at the same station.- The Government has taken note of the socio-economic problems and hardship faced by husbands and wives in Government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

il) If a request involves temporary deputation to another

department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

iil) When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993.

iv) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.

v) |Request for posting by a spouse facing serious medical problems may be accorded highest priority.

vi) | Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

i) Posting of husband and wife at the same station should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfers.

il) The prescribed selection authority should be consulted in each case.

3. All Government servants whose spouses are in Government service may be asked to furnish at the end of every calendar year the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and up-to-date monitoring of the situation.

4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries/Divisions for adoption, with such modifications, as may be considered necessary.

[Authority.- Estt. Division O.M.No. 10/30/97-R.II, dated 13-5-1998].

SI. No. 5

Posting of unmarried female Government Servants at the place of residence of Parents/Family.- It has been brought to the notice of Government that unmarried female Government servants face socio-economic and security problems when they are posted at stations other than the place of residence of their parents/family. The Government has taken note of this difficulty and it has been decided to prescribe the following guidelines for dealing with requests of unmarried female Government servants for posting at the place of residence of their parents/family:-

(i)

(ii)

(ii)

(iv)

(v)

(vi)

Where request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.

If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.

Request for posting by an unmarried female Government servant facing serious medical problems may be accorded highest priority.

Unmarried female Government servants already posted at a station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period

beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

(i) Posting of unmarried female Government servants at the station of residence of their parents/family should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfer.

(ii) The prescribed selection authority should be consulted in each case.

3. It has also been decided that the above guidelines shall also be followed by Autonomous/Semi-Autonomous Bodies/ Corporations etc. under the control of the Federal Government.

[Authority.- Estt. Division O.M. No.10/30/97-R-2, dated 17-12-1999]. SI. No. 6

Normal tenure for an officer on the same job/post.- It has been observed that a number of officers remain at the same desk for considerable period of time. This arrangement is not administratively desirable as the officers holding the same post for a long time tend to develop rigidity in the outlook and ideas and do not view the problems with the same objectivity as they normally should. It is therefore essential that officers should not be allowed to remain on the same job for any length of time. Normal tenure for an officer on the same post should be three years and should not exceed five years in any case.

2. The above orders apply not only to the Ministries and Divisions but also to all kinds of organizations, including the Attached Departments and Subordinate Offices as well as autonomous bodies and corporations under the administrative control of the various Federal Ministries/Divisions.

3. As regards the technical officers/experts, if they have been recruited for the same post in which they are working, the orders referred to above will not apply. However, if it is possible to rotate such officers, this may be done.

[Authority.- Estt. Secretary's d.o.letter Nos.27/370-F.1, dated 4-11-1970 and 30-6-1971]. SI. No. 7

Guidelines for Selection of the Officers for Posting Abroad in Pakistan Missions.- The President has been pleased to approve the following guidelines for selection of officers for posting abroad in Pakistan Missions:-

1. Posts will be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry.

2. The controlling Ministry will:

(a) prepare a panel of suitable officers for the post on the basis of job description from amongst the officers working in or controlled by the Ministry;

(b) ask the Establishment Division for a panel of suitable names of officers working in other Ministries/Divisions and Provincial Governments.

(b)

(d)

This panel will be considered by a Committee in the Ministry/Division which exercises administrative control of the posts to be filled. The Committee shall include a representative of the Establishment Division.

The Committee will select after due scrutiny, a panel of three officers against each post, taking into consideration the following factors:-

(a) The selectee fulfills the requirements of the post as detailed in the job description.

The selectee is in the same grade as the post to be filled. Officers from higher or lower grades will not be considered.

The selectee has an overall good record of service particularly during the last five years of service.

The selectee is at least a graduate or possesses the technical qualification required for the job.

Persons within promotion zone within the next 2 years should not be considered.

Those likely to retire during the next 4 years should not be considered.

An officer should not be posted abroad more than once.

The panel of three officers selected by the Committee on the above criteria will be submitted to the Special Selection Board for final selection including interview.

The recommendations of Special Selection Board shall be submitted to the President for approval.

7. The Ministries/Divisions are requested to strictly follow this procedure in future while recommending officers for posting abroad in Pakistan Missions.

[Authority.- Estt. Division O.M.No.4/7/81-TIV, dated 28-12-1981].

'Note.-For "Functions and Procedure of the Special Selection Board please see Pt. II of this Chapter."

SI. No. 8

Reference Establishment Division's O.M. of even number dated 28th December, 1981 (SI.No.6), it is stated that in order to ensure uniformity in selection of candidates for appointment in Pakistan's Missions abroad, the following procedure be adopted by the Selection Committee to draw up the panel for submission to the Special Selection Board:-

1. The Selection Committee will allocate marks to be distributed as under:-

(i) Officer's record 50 (it) Assessment by the Committee 50 (a) Interview 30

(b) Experience 20 Total 100

2. The evaluation of record shall be computed against the scale of 50 marks in accordance with the formula for overall assessment enunciated in the Promotion Policy circulated vide Establishment Division's letter No. 10(3)/81-CP-I(Pt), dated 31st December, 1982.

3. The Committee will interview the candidates to assess their fitness for the job.

4. Marks for experience should take into account the experience and additional qualifications relevant to the job. No marks need be allocated for the basic qualifications required for the post.

[Authority.- Estt. Division O.M. No.4/7/81-T.IV, dated 18-1-1983].

SI. No. 9

Seeking reversion to lower post for posting abroad.- Instances have come to the notice of Establishment Division where the Ministries/Divisions have been found indulging in the practice of permitting the employees serving under them, especially those belonging to the ministerial cadre holding posts of Private Secretary, Superintendent, Assistant, Stenographer etc. to revert to the lower post with a view to facilitate their posting in Pakistan Missions abroad. In the recent past a few Ministries/Divisions approached this Division also supporting requests of their employees for reversion to lower posts for the purpose of posting abroad.

2. The above matter has been given careful consideration keeping in view the provisions of section 10 of the Civil Servants Act, 1973 and F.R. 15. It has been held that these provisions do not lend any support to voluntary requests of officials for reversion to lower posts with a view to winning posting in Pakistan Missions/offices in foreign countries.

3. In view of above, it is advised that the requirements of Pakistan Missions/offices abroad may be met by restricting selection to holders of corresponding posts in Ministries/Divisions. The selection for posting abroad may be made on the basis of seniority-cum-fitness by an ad hoc committee to be constituted

specifically for the purpose.

[Authority.- Estt. Division O.M.No.4/8/85-R.6 dated 3-12-1985]. SI. No. 10

Authorities empowered to make postings and transfers of officers and staff. -

Officers in Grade 17 and above.

1. Apart from first appointments and disciplinary measures, other administrative powers will be exercised by the Heads of Departments who should deal with all matters of postings, transfers, increments and leave, etc. except in the case of their deputies about whom references will be made to Government.

Officers in Grade 16

2. Subject to the observance of general rules regulating the strength of the service, the method of recruitment (including consultation with the F.P.S.C. wherever required) and the conditions of service, the Heads of Departments will be the appointing authority in respect of all services/posts under his jurisdiction and exercise full powers in respect of their posting, transfer and discipline.

Officials in Grade 1-15

3. The Head of the Department will be the final authority in all matters.

[Authority.- Estt. Division O.M.No.7/ 59-S.O., dated 15-1-1960 read with SI. No. 6/A of Appendix 4 of the compilation of Fundamental and Supplementary Rules].

SI. No. 11

Postings and transfers of officers who hold the status of Joint Secretary to the Federal Government.- Reference Government of Balochistan letter No. 7-1/70-SOI (S&GAD), dated the 29th January, 1974 on the subject. In cases where the appointing authority is the President/Federal Government, the Provincial Government may issue only notifications of posting/assumption of charge in respect of an officer after his services have been placed at their disposal by the Federal Government through a formal notification. The Federal Government is required to be invariably consulted before the services of an officer, whether belonging to Provincial Government or to the Federal Government, serving under a Province, are either replaced or placed at the disposal of the Federal Government.

[Authority.- Estt. Division Letter No. 35/2/74-Al, dated 9-5-1974].

ROTATION POLICY FOR DMG/PSP OFFICERS

SI. No.12

The competent authority, after consultation with the provincial governments, has been pleased to approve a rotation policy for DMG & PSP officers with the following broad guidelines/ principles:-

i) With a view to achieve the broader national objectives viz national integration and cohesion, underlying the concept of All Pakistan Services, a DMG & PSP officer shall be liable to serve in at least two Provinces as well as in the Federal Government during his career. However in the exigencies of service, an officer may be posted to a third province, or the Northern Areas and/or AJK. Posting in the Federal Government at various

i)

ii)

stages would be made against the vacancies apportioned for such officers as per law, rules/policy.

For assignment to Provinces the preference of an officer would be kept in view subject to availability of vacancies in a Province.

A DMG & PSP officer shall be liable to serve at various levels for the tenure(s) as prescribed below:-

During initial span of 12 years of service (BS-17 & 18/equivalent

posts)

(a) (b)

(c) (d)

Training in Civil Service Academy One year Province of first allocation (which shall Five years not be the home province) including period of probation and trainings). Federal Secretariat (on promotion) Three years Province of second allocation. Three years.

During next span of 12-25 years of service (BS-19 & 20)

(a) (b) (c) (d)

Province of first allocation Three years Federal Government Three years Province of second allocation Three years

Federal Government or Province Three years

of first allocation.

During remaining span of service

Assignment(s) against such posts may be made for a tenure not exceeding 5 years each, in the Provincial Governments and the Federal Government on merit/selection basis, in the public interest.

iv)

v)

vi)

The rotation policy shall be implemented by a Selection Committee headed by the Establishment Secretary with Chief Secretaries of the Provinces as its Members. The Committee shall meet bi-annually to consider and recommend postings/transfers to the prescribed approving authority(s).

It shall be ensured that the DMG & PSP officers during their career are assigned field and staff assignments under the Federal and _ Provincial Governments including the instructional positions in the Training Institutions tenable by them, and commensurate with their experience/ background, etc. in order to expose them to varied experience.

Application of the above rotation policy in respect of officers at present serving at various levels would start in accordance) with the principle of ‘least rotated-first transferred’.

2. Government is fully conscious that a successful implementation

i)

of the Rotation Policy for DMG and PSP officers is inter-linked with the welfare aspect of periodic dislocation likely to be faced by these officers and their families. Accordingly, the following measures have been approved by the competent authority:-

Officers transferred to a Province or the Federal Govt. shall be provided official residential accommodation as per their

i)

ii)

iv)

entitlement. In the event of an entitled residential accommodation not being made available, provision of a shelter/single accommodation to be ensured with an allowance that residential accommodation being occupied by an officer at the time of transfer shall be retained by him till an entitled accommodation is provided to him.

Placement in educational institutions for the children of officers, dislocated on account of transfer , shall be ensured.

Transfers shall be planned preferably at the end of an academic year to avoid mid-year dislocation in the education of an officer's child/children.

Establishment Division and provincial governments shall inform officers about their likely movement, at least forty five days in advance of such movement.

3. The following general principles shall be observed:-

i)

i)

ii)

iv)

The conditions of rotation shall not apply to a single female officer against her wishes. In case both husband and wife are in service they shall be posted in the same province/station unless the nature of service requirements dictate otherwise.

Service in Islamabad Capital Territory shall be treated as service under the federal government. Service outside Pakistan either on deputation or training

shall be treated as service under the Federation.

Posting in training institutions shall be treated as service under the government controlling that particular institution.

v) Posting on deputation in corporations shall be treated as service under the government controlling that particular corporation.

vi) Establishment Division and the provinces shall ensure that sharing formula of APUG and PCS officers for provincial posts, approved by IPCC in 1993, is followed strictly.

4. The above policy shall apply prospectively and shall be enforced w.e.f. 15"" August, 2000.

5. This supersedes Establishment Division’s instructions contained in letter No.1/11/93-Rev., dated 10" January, 1998 and all instructions on the subject, subsequent thereto.

[Authority: Establishment Division’s letter No.F.9/1/2000-CP-7, dated 22-7-2000]

ROTATION POLICY FOR DMG/PSP OFFICERS

SI. No.12-A

Reference to Establishment Division’s letter of even number dated 22.7.2000 on the above subject and to convey that the competent authority has been pleased to approve an amendment in para 3(iil) of the rotation policy for DMG/PSP officers, circulated vide above referred letter, in the following manner:-

For; ‘Service outside Pakistan either on deputation or training shall be treated as service under the Federation.”

Read; ‘Service outside Pakistan on deputation or on training shall be treated as service under the government from where an officer proceeds abroad on deputation.”

[Authority: Establishment Division's letter No.9//1/2000-CP-7, dated 2-11-2000

SI. No. 13

Grant of leave to transferred officers. - \t has been decided that, in future, an officer transferred to another post, either in the Federal Secretariat, its Attached or Subordinate Offices, or to a post under a Provincial Government on reversion from the charge should not be allowed leave for any period, except by the authority to whose control he is transferred.

[Authority.- Estt. Division O.M. No. 6 (21)/ 60-E.IX, dated 8-10-1960]. SI. No. 14

Doubts have arisen as to who should sanction and notify the leave in the case of officers referred to in the Establishment Division's Office Memorandum No.6 (21)/60-E.IX, dated the 8th October, 1960. The intention is that, after the date of issue of transfer orders, leave should be allowed and notified only by the authority under whose control the officer transferred has to go.

[Authority.- Estt. Division O.M. No. 8/20/ 60-F.1., dated 30-11-1961]. SI. No. 15

Charge report by officers proceeding on transfer.- Officers proceeding on long leave, transfer or retirement are required to signa certificate of transfer of charge (Form TR-l) under Rule 114 of General Financial Rules, Vol.-l. In cases where the transfer of charge involves assumption of responsibility for cash, stores, etc., the instructions laid down in rule 44 of Treasury Rules, Volume-! and rules 115 and 150 of the General Financial Rules, Vol.-I are followed. As regards maintenance and handing/taking over of classified and accountable documents adequate instructions exist vide paras 25 to 29 of the booklet "Security of Classified Matter in Government Departments".

2. There is, however, no institutional arrangement in the Federal Secretariat under which an officer, proceeding on long leave, transfer or retirement should leave behind a memorandum on matters of importance concerning his charge, for the benefit of the successor. Consequently, the successor has now himself to grope and find out major development about various issues relating to his office, either incidentally or as and when they force his attention because of their urgency or importance. This lack of institutional arrangement could effect adversely proper perspective or continuity in the handling of problems at different levels.

3. It has, therefore, been decided that, apart from the procedure being followed in respect of cash, stores etc. mentioned in para 1 above, the officer proceeding on leave, transfer or retirement should also prepare a brief note (Note to successor) describing important cases, major issues and the directions in which they are developing and any other matter that his successor should know.

[Authority.- Estt. Division O.M. No. F. 8/6/ 74-F.1., dated 7-2-1974]. SI. No. 16

Diplomatic Status to Civilian Officers of other Ministries/ Divisions posted in Pakistan Missions abroad.- In consultation with the Ministry of Foreign Affairs it has been decided that following formula regarding grant of Diplomatic Status shall be applicable to those Civilian Officers of Ministries/ Divisions who are/shall be posted to Pakistan Missions abroad:-

1. Second Secretary(Junior

Grade or any designation

in future). Grade-17. 2. Second Secretary

(Senior Grade or any

designation in future). Grade-18.

cs First Secretary. At least 5 years service in Grade-18 & cleared by the Special Selection Board in case of non-FAG officers.

4. Counsellor. Grade-19. 5. Minister. Grade-20.

2. It has also been decided that on the appointment of officers to foreign missions not only their seniority in accordance with the formula but also their suitability for appointment at that senior level would be taken into account.

[Authority.- Estt. Division O.M. No.4/16/80-T.IV, dated 8-10-1981]. SI. No. 17

Premature transfer of Government servants between Pakistan and Pakistan Missions abroad.- |n 1958, the Establishment Division decided, in pursuance of the recommendations of the Economy Committee that the transfer of officers between the two zones of Pakistan and between Pakistan and foreign countries should normally be made after three years. If a transfer was unavoidable before the expiry of this period, sanction of the Cabinet Secretariat (Establishment Division) should be obtained invariably before the transfer orders were issued by the administrative Ministry. The Establishment Division reiterated these instructions from time to time.

2. This Ministry felt that transfer of officials within the two zones of the then Pakistan stood on an altogether different footing from transfer of officials from Pakistan to Missions abroad and vice versa. The exigencies of service, such as inadequacy of staff for certain

types of posts, the special suitability of certain officers for certain Missions, the almost continuous re-organisation of Missions abroad, etc. made it well-nigh impossible to rigidly adhere to the principle of three years' tenure abroad. However, the Establishment Division were not agreeable to exempt this Ministry from the operation of the instructions in question.

3. The Secretary (Administration) discussed the case with the Establishment Secretary recently, when the latter agreed to exempt this Ministry from the application of the said restraint. It may be stated in this connection that in many cases orders of premature transfers are issued under the directions of the Prime Minister. In the case of Heads of Mission all orders of appointment and recall/transfer are issued in accordance with the directives of the Prime Minister.

4. The Establishment Secretary may kindly see for his formal concurrence in the proposed exemption of this Ministry from the requirement of obtaining prior approval of the Establishment Division in cases of premature transfer of officials between the Ministry of Foreign Affairs and the Pakistan Missions abroad.

[Authority.- Ministry of Foreign Affairs u.o. Note No. Rules-1/3/76, dated 3-5-1976 and Estt. Division u.o. Note No. 6/2/70-CV, dated 5-5-1976].

Government Servants (Applications for Services and Posts) Rules, 1966

SI. No. 18 In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178 and clause (1) of Article 179 of the Constitution, the

President is pleased to make the following rules, namely :-

1. Short title, application and commencement.- (1) These

rules may be called the Government Servants (Applications for Services and Posts) Rules, 1966.

(2) They shall apply to every person who is a member of an All-Pakistan Service or holds any post in connection with the affairs of the Centre except:-

(a)

(b)

persons to whom the Pakistan Railway Establishment Code applies; and

members of such Services and holders of such posts as the Central Government may, by notification in the official Gazette, specify.

(3) They shall come into force at once.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context,-

(a)

(b)

"competitive examination" means a_ competitive examination held by the Central Public Service Commission or a Provincial Public Service Commission for recruitment to any Service or post and includes any method whatever adopted for recruitment to the Central Engineering Services; and

"temporary Government servant" means a person who is temporarily employed in connection with the affairs of the Centre, but does not include a person employed on contract or on probation [against a permanent post or as probationer of a regularly constituted service].

3. Manner of making applications.- No Government servant shall apply for appearing at any competitive examination or for appointment to any post other than the post which, he for the time

being, holds except-

(a) for appearing at a ministerial services competitive examination through the head of the office, Ministry or Division in which he is employed; and

(b) for appearing at a competitive examination other than a ministerial services competitive examination or for appointment toa service or post to be filled otherwise

“Subs vide Estt. Division Notification No. 4/l/57-F.I, dated 20-2-1968.

than by a competitive examination with the prior permission in writing of the head of the office, Ministry or Division in which he is employed, who may, for reasons to be recorded in writing, refuse such permission if he considered that such permission would not be consistent with the interests of the public service.

“4. Permission to be given or application to be forwarded not more than twice.-(1) Subject to the provisions of rule 3, the applications of, or permission to, a Government servant _ for appearing at competitive examinations at which he is otherwise eligible to appear shall not be withheld or refused, but in no case shall the applications be forwarded or permission be granted for appearing at more than two ministerial services competitive examinations during any calendar year or at more than two competitive examinations other than ministerial services competitive examinations during the whole service of a Government servant:

Provided that a Government servant appointed on the results of a competitive examination other than a ministerial services competitive examination shall not be permitted to apply for such examination more than once during his whole service.

(2) Subject to the provisions of rule 3, no Government servant shall apply more than twice in any calendar year for, or for appearing at any test or interview for appointment in, or for the transfer of his services to, a service or post to be filled otherwise than by a competitive examination, in another office, Ministry or Division of the Central Government or under the Provincial Government or a public statutory corporation.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the applications of, or permission to, a Government servant employed on contract for a specified period, for appointment in a Service or post or for appearing at a competitive examination test or

“For modified orders please see Estt. Division O.M. No. 1/21/76-T. Ill, dated 2-8-1976.

interview, may be withheld or refused if it appears that in the event of selection for appointment to any Service or post pursuant to such application, or on the result, of such examination, test or interview, such Government servant will have to be released before the expiry of his period of contract and that such release would not be consistent with the interests of the public service.

5. Release of Government servants for appointment to a better Service or post.- (1) Where a Government servant who applied in accordance with rule 3 for appearing at a competitive examination is selected for appointment on the result, of such examination, his release for such appointment shall not be withheld or refused if he is a member of a Service in a group and is selected for appointment to a Service in a higher group, but not to a Service in the same or a lower group. For the purpose of this rule, the Central Services are grouped in the following descending order:-

1st Group Civil Service of Pakistan. Pakistan Foreign Service.

2nd Group Police Service of Pakistan.

3rd Group Finance Services eligible for the Economic Pool, viz., Pakistan Audit and Accounts Service, Pakistan Railway Accounts Service, Pakistan Military Accounts Service, Pakistan Taxation Service and Pakistan Customs and Excise Service.

4th Group Pakistan Postal Service (Class I) and Pakistan Military Lands and Cantonments Service.

5th Group Central Secretariat Service (Class I) and other Class | Services and Posts. 6th Group Class II (Gazetted) Services and posts. 7th Group Non-Gazetted Services and posts. ILLUSTRATION

A Police Service of Pakistan Officer shall be released for appointment to the Civil Service of Pakistan or Pakistan Foreign Service, but not to any of the Finance Services. A Pakistan Taxation Service Officer shall not be released for appointment to the Pakistan Audit and Accounts Service; or a Pakistan Military Lands and Cantonment Service Officer to the Pakistan Postal Service (Class 1).

(2) If any person who, before his appointment to a Service of the Centre or a post in connection with the affairs of the Centre, had appeared at a competitive examination, test or interview or applied for appointment to a Service or post, it is, on the result of such examination, test or interview or pursuant to such application, selected for and offered appointment to a Service or post other than the one to which he belongs or which he holds, his release for such appointment, it desired by him, shall not be withheld or refused.

(3) Notwithstanding anything contained in sub-rules (1) and (2), release before the expiry of the period of contract of a Government

servant employed on contract for a specified period may be withheld or refused if such release would not be consistent with the interests of the public service.

6. Temporary Government Servants.- Notwithstanding anything contained in these rules, the applications of, or permission to, a temporary Government servant for appointment to any service or post or for appearing at any competitive examination, test or interview or his release on being selected for any service or post pursuant to such application or on the results of such examination, test or interview shall not be withheld or refused.

7. Exemption.- The President may, in such cases as he thinks fit, exempt any Government servant or class of Government servants from the operation of, or relax the restrictions imposed by, these rules.

8. Repeal.- The Government Servants' Applications for posts (Central Services) Rules, 1953, as amended from time to time, are hereby repealed. [No. 4/I/57-F.1]

[Authority.- Estt. Division Notification No.SRO 593 (K)/66, dated 8-6-1966]. SI. No. 19

Competitive examination-number of chances for Government servants who are in Grade-16 and below.- The Government servants in Grade-16 or below who have completed two years service and have failed to secure direct entry into Grade-17 through competitive examination have been allowed to take two more chances upto the age of 30 years in competitive examination vide office memoranda of Establishment Division forming various occupational Groups. This provision is however, in conflict with the provisions of rule 4 of the Government Servants (Application for Posts and Services) Rules, 1966. It has, therefore, been decided that rule 4 of the Government Servants (Applications for Posts and Services) Rules, 1966 may not

be applied in the case of such Government servants (in Grade-16 and below) who wish to take two chances in Competitive Examination upto the age of 30 years.

[Authority.- Estt. Division O.M. No. 1/21/76-T. Ill, dated 2-8-1976].

SI. No. 20

Right of Government servants to apply for higher posts in other Offices.- It has been decided that normally officials appointed to a grade, either by promotion or by direct recruitment should -

(a) not be considered for appointment to, and

(b) not be allowed to apply for posts in other offices of Government or of Statutory Bodies to a grade carrying a higher grade, till they have rendered an appreciable length of service in the former grade.

2. This ban will, however, not apply to-

(i) | Appointments made through the Federal Public Service Commission or the Central Selection Board;

(it) | Posts within the normal promotion prospects of the Government servant concerned, e.g., the posts of Section Officers in the case of Superintendents of the Federal Secretariat; and

(iti) Purely temporary Government servants who are not likely to be employed permanently in the office, Ministry, Division, Service or cadre in which they are employed.

3. Departures from the above instructions should be made only

in special cases.

4. Attention of all the Divisions is also invited to the fact that the Establishment Division administer the Civil Service of Pakistan, the Police Service of Pakistan, the G.A.R. (General Wing), the Economic Pool, and the Section Officers' cadre. Therefore, cases relating to the deputation to other offices of the Officers of these categories should not be made by the Division in which they are for the time being posted, but should be referred to the Establishment Division for disposal.

[Authority.- Estt. Division O.M. No. 1/26/61-C. Ill, dated 20-2-1963]. SI. No. 21

Applications of Section Officers.- The instructions contained in paragraph 5 of the Establishment Division Office Memorandum No. 1/8/52-C.Ill, dated the 7th August, 1963 are not generally observed by various Ministries/Divisions while forwarding to Establishment Division the applications of Section Officers for appointment elsewhere.

2. It is reiterated that while forwarding the applications in question to the Establishment Division, information on the following points should also be invariably furnished to this Division:-

(1) Pay Scale attached to the post applied for

(2) Method of recruitment to the post in question

(3) Whether the post in question has been advertised

(4) Minimum educational qualifications and/or experience prescribed for the post concerned.

(5) A statement showing the educational qualifications,

and/or experience of the candidate concerned indicating also whether he _ fulfills the requisite qualifications and/or experience.

3. Such applications should be forwarded to the Establishment Division at least a fortnight before the last date prescribed for their receipt by the authorities concerned.

[Authority.- Estt. Division O.M. No. 1/8/62-C. Ill, dated 14-5-1966].

SI. No. 22

Appropriate authority for forwarding of applications

through proper channel.- The question has arisen as to what should be considered the appropriate authority for forwarding applications of the staff employed in a particular office. As only a responsible and fairly senior officer of a Division etc. is generally in a position to know the staff requirements of his Division, it has been decided, in consultation with the Federal Public Service Commission, that, in the case of a Ministry or a Division, the forwarding authority should be at least a Deputy Secretary and in the case of an Attached Department or a Subordinate Office, it should be the Head of the Department or Office, or an officer of rank equivalent to that of a Deputy Secretary designated by him.

[Authority.- Estt. Division O.M.No.50/1/48-Ests.(ME), dated 3-6-1948].

SI. No. 23

Avoidance of delay in forwarding applications of Government servants to the F.P.S.C.- Under the existing orders, all Government servants, whether in Provincial or Central Service, have to apply to the Federal Public Service Commission in connection with the

examinations/selections held by them, through their respective Heads of Departments or Offices. The last date for the receipt of applications by the Commission is set down in the notice relating to every examination conducted by them and in the advertisements issued in connection with selections to be held by them.

2. The Federal Public Service Commission have pointed out that many such applications are received in their office long after the closing date, and have hitherto been entertained if the Commission were Satisfied that candidates themselves were not at fault. The Commission are not prepared to continue this indulgence indefinitely and desire it to be made clear that in future late applications will not normally be accepted whatever the reason. It is, therefore, requested that care should be taken to see that applications of candidates who apply to the Federal Public Service Commission for the Central Superior and Ministerial Services examinations and selections are not delayed beyond the permitted date, since delay in future will not be condoned.

3. To deprive a candidate of his candidature by reason of a negligent omission to forward his application could be a serious act of irresponsibility.

[Authority.-. Estt. Division letter No. 25/4/53-SE (I), dated 23-7-1953, to all Provincial Governments and Ministries of the Central Government].

SI. No. 24

Reference.-Establishment Division's letter No.25/4/53-SEl, dated the 23rd July,1953.

It has been reported by the F.P.S.C. that in several cases the applications from departmental candidates for the various competitive examinations/selections held by the F.P.S.C. are forwarded by the Department concerned very late, without regard to the last date

prescribed for receipt of applications announced by the Commission. To avoid that departmental delays, the Commission have decided that departmental delays in forwarding the applications of the departmental candidates will not normally be condoned. They will be condoned only in exceptional circumstances, which will be considered by the Commission on the merit of each case.

2. In view of what has been stated above it will be very much appreciated if every possible effort is kindly made to ensure that applications from departmental candidates for appearing at the competitive examinations/selections held by the FPSC, are forwarded to the Commission by the due dates. In case of unavoidable delays reasons should please be recorded, otherwise applications received after the due dates will not be entertained by the Commission.

[Authority.- Estt. Division letter No. 8/4/60-E, XIV, dated 18-7-1960]. SI. No. 25

The practice of withholding applications initially and forwarding them at a late stage should also be discontinued as no departmental permission which is granted subsequently will be acceptable to the Commission.

[Authority.- Estt. Division (Training Wing) O.M. No.1//84-TR-IV dated 18-6-1985].

PART Il.- TRANSFER TO FOREIGN SERVICES IN PAKISTAN/DEPUTATIONS

Explanation of the term "deputation"

SI. No. 26

Deputation in Pakistan.- C.S.R. 77: An officer is said to be on

deputation when he is detached on special temporary duty for the performance of which there is no permanently or temporarily sanctioned appointment.

According to the practice in vogue a Government servant begins to be regarded as a "deputationist" when he is appointed or transferred, through the process of selection, to a post in a department or service altogether different from the one to which he permanently belongs, he continues to be placed in this category so long as he holds the new post in an officiating or a temporary capacity but cease to be regarded as such either on confirmation in the new post or on reversion to his substantive post.

(Extract from PLD, 1981 S.C. 531-Islamic Republic of Pakistan versus Israrul Haq and 23-others.)

Policy Guidelines for deputation of Government Servants

SI. No. 27

Maximum period of Deputation.- In continuation of Establishment Division's circular D.O. letter No. 4/l/ 84-R.I (A) dated 20-11-1986 (Annexure), conveying the directives of the Prime Minister requiring the period of appointment to be clearly specified in each case of contract, secondment or deputation, the following policy is laid down for deputation of Government servants :

(i) | The normal period of deputation for all categories of government servants would be three years. This would be extendable by two years with the prior approval of the competent authority.

(it) | All cases of initial deputation of government servants holding posts in BPS-17 and above would be referred to

(ii)

(iv)

(v)

the Establishment Division for approval of the competent authority. The initial deputation in the case of government servants holding posts in BPS-16 and below would be approved by the Secretary of the Administrative Ministry concerned/Head of the Department not below BPS-21.

The competent authority to grant extension in deputation beyond the initial period of 3 years, would be as below :-

(a) Government servants Head of the

in BPS-1 and 2. Department. (b) Government servants Secretary of the Admn. in BPS-3 to 16. Ministry/Head of the Department not below BPS-21.

(c) Government servants Secretary of the Admn. in BPS-17 to 19. Ministry concerned.

(d) Cases of Government servants in BPS-20 and above would be referred to the Establishment Division.

On completion of the maximum period of five years both the borrowing and the lending organizations should ensure immediate repatriation of the deputationist.

In case it is not possible to repatriate a person to his parent Organisation for compelling reasons, the case should be referred to the Establishment Division before the expiry of the maximum period of 5 years, fully

explaining the circumstances due to which immediate repatriation is not possible and measures taken to obtain or groom a replacement as early as possible.

2. The above policy would also be applicable to transfer on foreign service in terms of FR 9(7) and rules contained in Chapter XII of the Fundamental Rules.

3. Ministries/Divisions are requested to bring these instructions to the notice of their Attached Departments/ Subordinate Offices/Corporations and Autonomous Bodies etc.

4. The existing instructions on this subject issued vide Estt. Division's O.M. No. 1/28/75-D. II (CV), dated 4-11-1980 and O.M. No. 22/47/82-R-3, dated 12-4-1983 stand modified to the above extent.

[Authority.- Estt. Division O.M. No. 1/28/ 75-D.1I/R. 3/R.1. dated 18-2-1987].

ANNEXURE

Copy of Estt.Division Additional Secretary's d.o. letter No. 4/1/84-RI (A) dated 20-11-1986]

Re-employment/appointment on contract, secondment or deputation.- It has come to the notice of the Prime Minister that officers appointed on contract or serving on re-employment, secondment or on deputation in the Federal Government are allowed to continue in their posts after the expiry of their tenure without specific orders of the competent authority for its extension. The Prime Minister has taken a serious view of this situation and has directed that:-

(a) In all cases of appointment on contract, re-employment, secondment or deputation the period of appointment should be clearly specified.

(b) On the last date of the specified period the officer should automatically stand relieved of his duties unless the orders of the competent authority have been obtained in advance extending the period.

2. Immediate action may be taken to specify the period of appointment in those cases where it has not been specified. It may be ensured that in future no officer is appointed on _ contract, re-employment, secondment or on deputation without specifying the period of appointment. On the expiry of the specified period the officer should be relieved of his assignment forthwith unless the period has already been extended by the competent authority.

3. In order to ensure compliance of the above directive of the Prime Minister all Ministries/Divisions are requested to identify the cases in which officers are continuing to work in their posts after the expiry of the specified period of contract/ re-employment/ secondment/deputation and intimate these to the Establishment Division immediately with recommendations for extension of the tenure where required. Action may also be taken to terminate the appointments where extension is not required.

4. All Ministries/Divisions etc. are also advised to initiate cases for extension in the period of contract/re-employment/ secondment/deputation in future at least six months in advance of the date of expiry of the period of such appointment.

5. The provision in para 28 of Establishment Division's O.M. No. 14/5/78-D.\ll, dated 10-2-1980 dealing with Induction/Re- employment of the officers of Armed Forces in civil and such other instructions issued from time to time also stand modified in

accordance with the Prime Minister's orders contained in para 1 of this letter.

6. The above instructions may also be brought to the notice of all Corporations and Autonomous/Semi-Autonomous Bodies under the administrative control of Ministries/ Divisions as these would apply to them as well.

SI. No. 28

In continuation of Establishment Division's O.M. of even number, dated 15.10.1979 (Annexure), it is stated that:-

(1) The normal deputation period, for all categories/ grades of Government servants, shall be three years, extendable for another two years with prior permission of the Establishment Division. A Government servant shall not, however, remain on deputation to another Government Organization or an autonomous body/Corporation etc for more than five years.

(2) If a person is on deputation to a Government Organization, and has completed the maximum tenure of five years, he must revert or be reverted by the borrowing office to his parent/lending Organization of the expiry of that period; otherwise, the Audit offices concerned shall not make payment of salary and allowances to him beyond the date of expiry of five years, unless specifically authorized by _ the Establishment Division.

(3) lf a person is on deputation to an autonomous

organization/Corporation etc, and has completed the maximum tenure of five years, it will be obligatory for that person to report back to his parent/lending Organization on the expiry of that period, irrespective of his being relieved by the borrowing Corporation/Body etc. Failure to report back, unless specifically authorized otherwise by the Establishment Division, will be construed as ‘Misconduct’ and make him liable to disciplinary action under the Government Servants (Efficiency and Discipline) Rules, 1973.

(4) In case a deputationist is proposed to be absorbed permanently in the borrowing Office (either a Government Organization or a Corporation etc), such a proposal shall be initiated by the borrowing office at least six months before the expiry of the deputation period of the deputationist concerned. Such a proposal, with the written consent or request of the deputationist, shall be made by the borrowing office to the lending office (or Parent office of the deputationist) which shall convey its decision(if necessary, in consultation with the Establishment Division) to the borrowing office as well as the deputationist, by the expiry of the term of his deputation. In the event of non-acceptance of the proposal, the individual shall revert back to his parent office as indicated at (2) and (3) above.

2. Ministries/Divisions are requested to bring these instructions to the notice of the Officers/Staff of their Secretariat/Attached Departments/Subordinate Offices/Corporations etc.

[Authority.- Estt. Division O.M. No.1/28/75-D.II(CV), dated 4-11-1980].

ANNEXURE

Copy of the Establishment Division's O.M.No.1/28/75-D-Il (CV) dated 15-10-1979

In spite of instructions issued on the subject, cases have come to the notice of the Establishment Division where Government servants whose services were placed on deputation with other departments/organizations for a specified period have not been returned to the lending departments after the expiry of their tenure of deputation. What happens is that either a deputationist does not want to come back to his parent department or the borrowing department does not allow him to revert to his parent department on expiry of his term of deputation. This practice is against the interest of efficient administration.

2. It has now been decided that in no case a Government servant should remain on deputation to another department or autonomous body for more than five years. If a Government servant has completed his maximum period of deputation, and the department still feels the need of his services the borrowing Department/Organization should write to the lending department to replace him by another Government servant of the same grade and qualification, failing which the borrowing organization would make their own arrangements. If a person is not willing to come back to his department on expiry of the period of his deputation and tenders his resignation, that may normally be accepted.

3. All Ministries, Divisions and Departments are requested to review the cases of deputationists and take necessary action in the light of the above instructions.

4. This supersedes all previous instructions on the subject.

SI. No. 29

Reference Establishment Division's =O.M.No.1/28/75- D.2/R.3/R.1, dated 18th February, 1987, wherein the normal period of deputation for all categories of Government servants had been fixed as three years, extendable by another two years with the prior approval of the competent authority. Under the said instructions, Secretaries of the Ministries/Divisions concerned were authorized to grant extension in deputation period beyond the initial period of three years in respect of Government servants holding posts in BS-17 to BS-19.

2. It has been observed, however, that there is a growing tendency to resort to postings through deputationists despite the fact that deputation is not a normal prescribed method of appointment as, under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, three methods of appointments are required to be made either by promotion or by initial appointment or by transfer. The method of appointment to posts is also prescribed in the Recruitment Rules. Filling up the posts through deputation, if not provided so in the Recruitment Rules, leads to following adverse implications:-

i) In case of promotion posts, the promotions of departmental personnel are delayed/stopped. il) In case the post is required to be filled through initial

appointment, quota of a particular Province is affected.

3. In order to bring the deputation policy in conformity with the present policy of postings and transfers circulated vide Establishment Division's O.M.No.10/10/94-R.2, dated 22nd March, 1994, (SI. No.3) and also to discourage the increasing tendency of postings through deputation, it has been decided that, in future, the deputation period will be limited to three years only. A maximum two years extension in the deputation period will be considered only in exceptional cases, in the public interest, and with the prior approval of the Establishment

Division in all cases of Government servants in BPS-17 and above. The extension cases shall be forwarded to the Establishment Division atleast six months before the expiry of the three-year deputation period and with proper justification for the proposal. However, no deputation proposals will be entertained which will adversely affect the method of appointment to the post as laid down in the Recruitment Rules. Accordingly, all such proposals must invariably be accompanied by a formal assurance signed by atleast the Joint Secretary (Admn) to that effect.

4. Ministries/Divisions are requested to also bring these instructions to the notice of their Attached Departments, Subordinate Offices, Corporations, Autonomous Bodies, etc, under their administrative control, for guidance/strict compliance. It may please be noted that arrangements have been made in consultation with the Auditor General's Office whereby payment of emoluments etc. to those on deputation will be stopped forthwith immediately following the completion of the three-year deputation period unless the Establishment Division's prior approval has been obtained and conveyed to the concerned Audit Circle.

5. The existing instructions on this subject issued vide Establishment Division's O.M.No.1/28/75-D.2/R.3/R.|1, dated 18th February, 1987, stand modified to the above extent.

[Authority.- Estt. Division O.M. No.1/28/75-R.1, dated 14-3-1995]. SI. No. 30

Terms and Conditions of Deputation of Civil Servants to Foreign Service in Pakistan.- The instructions governing the terms and conditions of transfer of civil servants to foreign service in Pakistan are contained in FR.114 and various O.Ms. issued by the Finance Division/Establishment Division from time to time. Since these instructions are scattered over a number of O.Ms. enquiries

have been received from Ministries/Divisions regarding applicability of these instructions in their correct perspective. Accordingly, standard terms and conditions of deputation of civil servants to Foreign Service in Pakistan have been drawn in consultation with the Finance Division and are given below:-

1.

Period of Deputation

The normal period of deputation for all categories of government servants will be three years. This will be extendable maximum by two years with the prior approval of the competent authority.

Pay

Pay in BPS as admissible under the government from time to time.

Deputation Allowance

[Those deputed to Management Grade posts will get deputation allowance @ 10% of minimum of scale: whereas those deputed against non-Management Grade posts will be entitled to the deputation allowance @ 20% of minimum of scale:]

Travelling Allowance

Travelling allowance will be admissible in accordance with the ordinary TA rules of the government except

ii)

that where TA rules of the borrowing organization are more favourable the latter will apply.

Conveyance

In case official car has been provided to the deputationist by the borrowing organization, it should be used for official purpose only, except where employee of the borrowing organization in an equivalent rank are entitled to free use of official car for both official and private purpose the same facility would be admissible to the deputationist subject to the prescribed petrol limit.

If the deputationist is entitled to official car in his capacity as a government servant, excluding the official transport provided on a specific post, he shall continue to enjoy the facility on the same terms.

lf the deputationist is the chief executive of the autonomous/semi autonomous body, he will be permitted free use of official car, for official and private purpose subject to the condition that the total petrol consumption will not exceed 180 liters in a month, in case the deputationist is in '[BPS-20 or] BPS-21 and 240 liters in case he is in BPS-22.

"Substituted vide Establishment Division O.M. No.1/13/87-R.1, dated 12-12-1994.

iv)

If official transport is provided both for official and private purpose, the residence-office conveyance allowance shall not be permissible.

In case official transport is not provided, or if provided, is not used for journey between office and residence, residence-office conveyance allowance will be admissible on specified stations, at the rates and on the conditions laid down in para-8 of the Finance Division's O.M.No. F.1(1) IMP.11/77, dated 28.4.1977, as amended from time to time. For occasional travel, the mileage/conveyance' rates, admissible in the government will be applicable.

6. Residential Facility

i) Accommodation may be provided to the deputationist, of a standard not inferior to what is normally admissible to him as a government servant, subject to deduction of 5% of his emoluments. If accommodation is not provided, the deputationist will receive house rent allowance, at a rate fixed by the government from time to time. If the deputationist is the chief executive of the autonomous/semi autonomous body, free unfurnished accommodation may be provided except where an official residence has already been constructed by the autonomous/semi autonomous body.

il) The facility of hiring of a house owned by a civil servant will be admissible to a civil servant appointed on deputation in an autonomous body as provided under rule 22 of Pakistan Allocation Rules, 1971.

“Amended vide Establishment Division O.M. No. 1/13/87-R.1, dated 15-12-1991.

iil) In case accommodation is to be hired for the deputationist, the rental ceiling laid down by the Works Division in the Pakistan Allocation Rules, 1971, as amended from time to time, or that applicable to

employees of equivalent rank in the borrowing organization, whichever is_ beneficial to the deputationist, will be applicable.

Medical Facility

Medical facilities may be allowed, in accordance with the relevant rules of the borrowing organization provided that these facilities will not be inferior to those admissible under the government.

Pension Contribution

Pension contribution will be payable by the borrowing organization to government at 337°” of the mean of minimum and maximum of the pay scale of the post, held by the government servant concerned at the time of his proceeding on foreign service, plus other emoluments reckonable for pension, which would have been admissible to him had he not been deputed to foreign service.

Leave Salary

No leave salary contribution shall be payable by the borrowing organization, but leave/leave salary shall be sanctioned/paid during the period of deputation, by the borrowing organization. The Federal Government employees sent on deputation who are granted leave and paid leave salary by the borrowing organization shall not count the period spent on deputation for earning leave under the Government of Pakistan on their return. However, the leave earned by a civil servant, but not availed/allowed during the period of his deputation in Pakistan will be credited to his leave

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account on reversion to government department. For this purpose, the autonomous bodies and corporations will maintain proper leave accounts for the government servant on deputation with them. Encashment of leave will not be admissible in the case of Government servants on deputation on the basis of the Rules/Regulations of the autonomous bodies/corporations.

Disability leave

The borrowing organization shall also be liable for leave salary, in respect of disability leave granted to the civil servant, on account of disability occurred in and through foreign service, even though if such disability manifests itself after the termination of foreign service. The leave salary charges, for such leave, shall be recovered by the civil servant direct from the borrowing organization.

G.P. Fund etc.

During the period of deputation, the civil servant concerned will continue to subscribe to the G.P. Fund, the remittance of which shall be supported with a G.P. Fund schedule, mentioning therein the G.P. Fund Account Number and the name of the Accounts Officer, maintaining the account. The remittance should be made to the parent office of the government servant concerned. The parent office will send copies of challans and schedules, to the Accounts Officer concerned for necessary action. As regards the Benevolent Fund and Group Insurance premium contribution, this should be remitted directly, by the government servant concerned, through the normal banking channel, to the board of Trustees, Federal

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Employees Benevolent and Group Insurance Funds, Islamabad with the Prescribed schedule, duly completed.

Change in Terms of Deputation

The Civil Servant on deputation will continue to be under the rule-making control of the lending government, in matters of pay, leave, pension, G.P.Fund, etc. The lending government accordingly, will have a right to determine, in consultation with the borrowing organization, the terms of his employment under the latter and these terms shall not be varied by the borrowing organization, without consulting the lending government.

Joining time, Pay and TA

The borrowing organization will pay for the joining time granted, on transfer to and reversion from deputation at the rate prescribed by the Federal Government. It will also pay TA to the deputationist for journeys performed by himself on transfer to and reversion from foreign service.

Encashment of LPR

A civil servant on deputation who is due to retire from government service either on completion of 30 years qualifying service or on attaining the age of superannuation, may draw the encashment of LPR from the borrowing organization, if he continues to work during the whole period of his LPR/last year of his service, without repatriation of his services.

15. Compensatory Allowance

‘[If, by reason of his transfer to foreign service, the government servant loses any privilege or concession of pecuniary value which he would have enjoyed in government service or is constrained to incur extra expenditure due to the nature of his duties in foreign service or to the circumstances in which those duties are performed, he may be allowed a compensatory allowance or other suitable concession with the prior concurrence of the competent authority. This will include Personal Allowance admissible w.e.f. 1st June, 1994 vide Para 5(i) of Finance Division's O.M.No. F.1(2)-lmp/94(i) dated 15th June, 1994. Such personal allowance in case of BPS-17 to BPS-22 employees shall be reduced equal to annual increments and shall cease as his pay Is increased equal to or more than his personal allowance].

16. Qualification Pay/Allowance

The deputationist would also be entitled to draw qualification pay/allowances which he has been drawing in his parent department. The qualification pay/allowance will not be related to the job but will be personal to the incumbent for possessing certain qualifications or passing an examination.

2. The above instruction shall come into force from the date of issue of this O.M. and shall replace the existing orders/ instructions on the subject.

[Authority.-Estt. Division O.M.No.1/13/87-R.|, dated 3-12-1990].

“Substituted vide Establishment Division O.M.No.1/13/87-R.1, dated 12-2-1995.

DELEGATION OF POWERS IN REGARD TO DEPUTATION OF GOVERNMENT SERVANTS

SL No. 30-A

In order to ensure expeditious processing of cases of deputation, the chief Executive has been pleased to delegate to Secretaries of Administrative Ministries/Divisions and Heads of Attached Departments and Subordinate Offices not below BPS-21 powers to approve initial deputation of officers upto BS-19 belonging to cadres and posts under their administrative control for a period of three years. The above powers are subject to observance of the following guidelines:-

Where a post proposed to be filled is reserved under the rules for departmental promotion, appointment on deputation may be made only if the department certifies that no eligible person is available for promotion or the eligible persons are found unfit for promotion by the appropriate DPC/Selection Board. In such cases, deputation may be approved till such time a suitable person becomes available for promotion.

In cases of posts reserved for initial recruitment, appointment on deputation may be made only as temporary arrangement pending joining of the nominee of the F.P.S.C., and subject to condition that such appointment shall be made only after a requisition has been placed with the F.P.S.C.

In case where a post is tenable through appointment by

deputation, the normal period of deputation should be three years and no extension beyond three years may be allowed without prior approval of the Establishment Division.

IV. No officer should be sent on deputation unless he has completed three years’ service in his parent department after return from an earlier deputation.

2. The provision of para I(ii) of | Establishment Division O.M.No.1/28/75-D.1I/R.3/R.1, dated 18-02-1987 shall stand amended accordingly.

3. Ministries/Divisions are requested to bring these instructions to the notice of their Attached Departments/ Subordinate Offices.

[Authority: Establishment Division’s O.M.No.1/28/75-D.II/R.3/R.|, dated 11-4-2000] SI. No. 31

Grant of Deputation Allowance.- The term "deputation" has not been defined in the Civil Servants Act and the rules made thereunder. However, in its judgement (PLD 1981 SC 531), the Supreme Court of Pakistan has enunciated the following explanation of the term deputation:

"According to the practice in vogue a Government servant begins to be regarded as a ‘deputationist’ when he is appointed or transferred, through the process of selection to a post in a department or service altogether different from the one to which he permanently belongs. He continues to be placed in this category so long as he holds the new post in an officiating or a temporary capacity but ceases to be regarded as such either on confirmation in the new post or on reversion to his substantive post."

2. On the basis of the above cited explanation, appointment of

a civil servant of the Federal Government, other than an officer of the APUG, to a post in the Provincial Government would fall within the definition of deputation.

3. For the purpose of entitlement of deputation allowance, however, the above cited explanation of the term deputation is not relevant because deputation allowance sanctioned in Establishment Division O.M. No. 1/13/87-R.1, dated 3rd December, 1990 (SI. No. 30) is admissible only on "deputation of civil servants to foreign service in Pakistan". The term "foreign service in Pakistan" has been defined in Rule 9(7) of the Fundamental and Supplementary Rules. According to these rules a Government servant is considered to be on deputation to foreign service in Pakistan when he receives his pay from outside the general revenues of the Federation, or a Province or Railways fund. This means that deputation allowance is not admissible if a person is on deputation to a department of Federal or Provincial Government even outside the normal line of

his service because he continues to receive his salary during such deputation from the general revenues of the Federation or a Province. Deputation allowance is thus admissible only in cases of “deputation to foreign service in Pakistan’ as defined in FR.9(7) and it is not admissible in cases of deputation to Ministries/ Divisions, Attached Departments or Subordinate Offices of Federal Government or Provincial Government or Railways.

A. It is requested that the Finance Division may kindly tender their advice on the point raised at Para 2 above.

[Authority.- Estt. Division O.M.No. Dy.875/98-DS(E.1), dated 2-4-1999]. SI. No. 32

Reference Establishment Division's O.M. No.Dy.875/98- DS(E.I), dated 2.4.1999 on the subject noted above and to say that in accordance with the existing policy instructions issued by the

Establishment Division vide O.M. No.1/13/87-R.1, dated 03.12.1990 (SI.No. 30) deputation allowance is strictly allowed to all Government servants including Provincial Governments who are deputed under the standard terms of deputation in light of Circular quoted above. It is also confirmed that term "a foreign service in Pakistan", has been covered in rule 9(7) of the Fundamental and Supplementary Rules.

2. It is, therefore, clarified that a Government servant is considered to be on deputation to foreign service in Pakistan when he receives his pay from outside the general revenues of the Federation or a Province or Railway funds. Subsequently deputation allowance would not be admissible to a person on deputation to a department of Federal or Provincial Government even outside the normal line of his service because he continues to receive his salary during such deputation from the general revenue of Federation or a province.

[Authority.- Finance Division O.M. No. F.12(1) R.3/99-386, dated 13-5-1999]. SI. No. 33

Instructions to regulate cases of transfers/deputation of staff from one office to another.- The following instructions are issued to regulate cases of transfers from one office to another of the ministerial staff employed in the Pakistan Federal Secretariat and its Attached Departments with particular reference to the position of a deputationist in his parent office as well as in the borrowing office.

2. Should temporary transfers to other offices be allowed (i) as a normal course, or (ii) only if considered necessary in the public interest.- Transfers should be allowed only in the public interest. The term "public interest" is explained in paragraph 4 below.

3. Should a transfer be allowed (i) normally in the same grade, or (il) only if it involves promotion.- \t does not appear necessary to lay down any hard and fast rules in this respect, since as stated in

paragraph 2 above, transfers will be allowed only, if necessary, in the public interest, and it would, therefore, be immaterial whether a transfer is in the same grade or whether involves promotion.

4. What should be done to ensure that the claims to promotion of those already employed in the borrowing office have been satisfied.- (a) It has been decided that, in fairness to the persons employed in the office in which a vacancy occurs, a person from another office should be appointed only if no person eligible and suitable for appointment is available in the office concerned. For this purpose, it should be placed on record by the appointing authority, or the Departmental Promotion Committee concerned, as the case may be, that none of the persons eligible concerned, for appointment from amongst the persons is available in the office. The reasons for declaring the persons employed in the office concerned as unfit for appointment to the post in question should be recorded by the authority concerned.

When a person is appointed by transfer in the circumstances stated above, his transfer should be considered to have been made in the public interest.

(6) When a transfer becomes necessary in the manner referred to above, it should be arranged between the offices concerned without a reference to any outside authority. It may be pointed out that a transfer should be made only if it is permissible under the relevant rules relating to recruitment to the post or service concerned. In this connection attention is also invited to the Establishment Division Office Memorandum No. 54/2/48-Estt. (ME), dated the 21st November, 1949.

5. The position in his parent office of the person transferred temporarily to another office.- When a transfer has been made in the public interest as explained in paragraph 4 above, the interests of the

person concerned should be protected in his parent office until he is confirmed in the borrowing office. For this purpose, when a vacancy occurs in a higher grade in his parent office, the person concerned should be considered therefore, and if he is selected for promotion in accordance with the relevant rules he should be appointed formally (and not actually) to the post in the higher grade. Similarly, if he was officiating, at the time of his transfer, in post a higher than the one in which he was employed permanently, he should be considered for confirmation in the higher post when his turn comes. This would enable him to occupy on reversion to his parent office, the position which he would have occupied had he not been away on deputation. No financial benefit of the "next below rule" should however, be allowed to him in respect of a promotion nor should he be placed in an advantageous position vis-a-vis his colleagues in his parent office, by virtue of his promotion, if any, in the borrowing office. In other words, he should be considered, while on temporary deputation to the other office, as a member of his parent office for the purpose of confirmation, promotion, seniority etc. He should be allowed to revert to his parent office with the agreement of both the lending and the borrowing offices.

6. Seniority on transfer from one office to another.- (i) The instructions in the foregoing paragraphs regulate the position of a deputationist in his parent office. As regards his seniority in the office to which he is transferred, it should be determined in the following manner:-

(a) When it is open to the person concerned to accept or refuse an offer of appointment in another office, he should-count his seniority in the new office from the date of his transfer to that office.

(b) When a person is compulsorily transferred to another office as a result of conscription, or alongwith the post

and his work, he should be allowed to count his previous continuous service in the grade towards seniority in that grade in the new office.

It may be pointed out that separate seniority lists should be prepared in respect of (i) persons appointed on a permanent or a quasi-permanent basis; and (ii) persons appointed on a_ purely temporary basis, and the person obtained by transfer from another office should be assigned his appropriate place, in accordance with the above instructions, in the list of the persons to which category he belongs.

(it) The seniority of a person who went on deputation from one office to another before 31st March, 1951 should be determined in his new office, in accordance with the following instructions:-

(a) In order to get the benefit of continuous service in a grade, a deputationist be permanent in that grade in his parent office, and not merely eligible for being made permanent. In case, however, he is subsequently made permanent in a grade in his parent office from a retrospective date, his seniority should be changeable in the borrowing Ministry/ Department, and he should be considered to be permanent on the date of transfer, and given the benefit of his continuous service in the borrowing Ministry/Department in that grade;

(b) A deputationist can get the benefit of his continuous service in a grade in the borrowing Ministry/ Department only if he is appointed in the borrowing Ministry against a regular post in accordance with the roster prescribed in the Establishment Division Office Memorandum No. 54/2/48/Ests. (ME), dated the 21st November, 1949. If, however, he is appointed in the borrowing Ministry/Department against a temporary post, he will

take seniority with effect from the date he is appointed against a regular post, and all persons in the borrowing Ministry who are permanent in that grade, or have been appointed according to the prescribed roster on the date of the deputationists temporary appointment, will take seniority over him.

7. Transfers as a result of conscription.- The interests of the person transferred compulsorily to another office as a result of conscription should be adequately protected in his parent office as stated in paragraph 5 above. In addition, when his turn for promotion to a higher grade comes in his parent office, he should be appointed to the post actually and be allowed the financial benefit of the "next below rule".

8. Transfers alongwith posts.- As regards persons who are transferred to another office along with their posts, the question of the protection of their interest in their parent office will not arise, since they will be transferred on a permanent basis and will thus sever their connections with the previous office.

9. Protection of interests of temporary persons.- The above instructions apply to persons who hold permanent posts in their parent offices. As regards persons employed on a temporary basis, there is no question of the protection of their interests in their previous office, since, on transfer to another office, they will automatically cease to be members of their previous office. If however, an occasion arises in which a temporary person is compulsorily transferred to another office as a result of conscription, the question regarding the protection of his interests in his original office should be decided in consultation with the Establishment Division.

10. Persons holding excluded posts.- Persons employed against "excluded posts" in the Pakistan Federal Secretariat and its Attached Departments are not eligible for appointment to posts in the regular cadre, vide Establishment Division Office Memorandum No. 54//48/Est. (ME), dated the 24th August, 1948 (not reproduced). If a case arises in which a person holding a permanent appointment in the regular cadre is appointed temporarily to a post in the "excluded cadre", in view of his special or technical qualifications, his case should be considered as one of transfer to another office, and should be dealt with in the light of the instructions contained in the foregoing paragraphs.

11. These instructions take effect from the date of this Office Memorandum. It is necessary that, before a transfer is made, the position of the person concerned, both in his parent office and the borrowing office, should be specially determined in the light of these instructions and the decision communicated in writing to the person concerned as well as to the office to which he is transferred.

[Authority.-. Estt. Division O.M. No. 6/15/48-ME, dated 31-3-1951 read with O.M. No. 6/39/57-ME, dated 5-2-1958].

SI. No. 34

Right of reversion to temporary Government servants.- When the right of reversion is given to a temporary person, his case becomes analogous to that of a regular deputationist to some other office. Para 9 of the Office Memorandum, dated the 31st March, 1951 states the normal position in respect of temporary staff. If, however, the employing Ministry give the right of reversion to a temporary employee at their discretion, there is nothing wrong in it. The spirit behind the instructions contained in the Office Memorandum, dated the 31st March, 1951 was the protection of interests of deputationists to other offices while they are away.

[Authority.- Estt. Division U.O. Note No. 6/17/58-ME, dated 4-8-1958].

SI. No. 35

Reversion of probationers undergoing training at the Civil Services Academy to their former post.- It has been decided that a probationer who holds lien against his former post where he was appointed otherwise than through Competitive Examination held by the Federal Public Service Commission, will be allowed to revert to that former post within 30 days of the commencement of common training programme at the Civil Services Academy. Such a probationer will not be allowed to revert in any case after the expiry of that period.

2. It is requested that the above decision may appropriately be incorporated in the offer of appointment in future.

[Authority.- Estt. Division O.M. No.1/17/87-T.V. dated 19-2-1987]. SI. No. 36

Counting of period of formal promotion towards increment on reversion to parent office .- It has been decided in consultation with the Ministry of Finance, that the persons on deputation to other offices who are appointed formally (and not actually) to officiate in accordance with paragraph 5 of the Office Memorandum, dated the 31st March, 1951, may be allowed to count the period of such officiating service towards increments in those higher posts, on reversion to their parent offices.

[Authority.- Estt. Division O.M. No. 6/15/48-MEI, dated 30-1-1953]. SI. No. 37

Gazetted and non-gazetted technical services.- A question has been raised whether the instructions contained in the Establishment Division O.M. No. 6/15/48-ME, dated the 30th January, 1953 are applicable to Gazetted and non-Gazetted technical services also. The

matter has been considered in the Establishment Division, and it has been decided that there should be no objection to the cases of officials of the gazetted and non-gazetted technical services being decided in accordance with these instructions provided that the procedure laid down in Para 11 of the Establishment Division O.M. No. 6/15/48-ME, dated the 31st March, 1951 is observed in each case.

2. These instructions will take effect from 1st January, 1961.

[Authority.- Estt. Division O.M. No. 11/6/60-E, XI, dated 18-1-1961]. SI. No. 38

Deputation of Section Officers against other posts.- A reference is invited to the Establishment Division O.M. No. 3/7/68-C.lll, dated the 7th February, 1970 (Annexure) on the above subject and it is stated that it has been decided that all applications of Section Officers for deputation to ex-cadre posts under the Government or Semi-Government Organizations will be in the first instance, scrutinise and examined by a Committee consisting of the Joint Secretary and Deputy Secretary of the Establishment Division and representative of at least Deputy Secretaries level of the Ministry/Division under whom administrative control the ex-cadre posts in question belong.

2. All Ministries/Divisions are accordingly requested to forward all applications received from Section Officers for appointment to any ex-cadre posts to the Establishment Division at least one month before the last date prescribed for the receipt of such applications by the authority concerned. While forwarding any application to the Establishment Division, the Ministry/ Division concerned should certify that the candidate possesses the requisite qualifications and experience prescribed for the post and that they will have no objection to release him if he is selected for the appointment.

3. In cases where the Section Officers are to be considered alongwith officers belonging to other services the recruiting agency should invariably forward a copy of the notification to the Establishment Division for reference.

[Authority.- Estt. Division O.M. No.3/7/68-C.III(B), dated 23-10-1971]. ANNEXURE

Copy of Establishment Division's O.M. No. 3/7/68-C-IIl, dated the 7th February, 1970.

It was decided by the Government in early 1968, vide point No. 6 in the Establishment Division Office Memorandum No.1/ 11/66-C. Ill, dated the 14th February, 1968, that deputation of CSS Officers to autonomous bodies, attached/subordinate offices should be encouraged to give them field experience. Pursuant to that decision, Ministries/Divisions have been deputing officers to other organizations but apparently in a haphazard manner. The following guidelines are, therefore, laid down for observance by all concerned:-

(a) While framing recruitment rules for the posts in Government and autonomous organizations for which the services of Section Officers can be gainfully utilized the question of making them eligible for such appointments may be considered by the administrative Ministries/Divisions concerned in consultation with the Regulation Wing of the Establishment Division and the Central Public Service Commission, where necessary.

(b) Where recruitment rules have already been framed, the question of revising them with a view to making a provision as proposed at (a) above, may be considered by the Ministries/Divisions concerned.

(C)

(d)

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SI. No. 39

Where Section Officers are to be considered alongwith Officers belonging to other Services, then applications may be invited by the recruiting agency. Such applications from Section Officers will invariably be routed through the Establishment Division vide their O.M. No. 1/8/62-C. Ill, dated the 14th May, 1966. (SI. No. 21).

For the posts against which only Section Officers are to be considered for appointment, the Ministries/Divisions concerned may place their requirements with the Establishment Division indicating:-

(i) | Educational qualifications and experience prescribed for the post. Pay Scale etc. prescribed for it. (iii) Nature of the duties attached to it. (iv) | Method of selection.

(v) Any other special points required to be kept in view while making selection.

(e) No Section Officer will be allowed to stay away on deputation for more than five years.

Instances have come to the notice of the Establishment Division that Ministries/Divisions are forwarding applications of their Section Officers for appointment against ex-cadre posts without prior clearance of the Establishment Division, and the matter is referred to this Division for appointment to such posts on ex-post facto basis. This practice is not in order and violates the instructions contained in this Division Office Memorandum No. 3/7/68-C.lll, dated 7-2-1970 and 23-10-1971 (SI. No. 38). Ministries/Divisions are requested kindly

to adhere strictly to the instructions under reference.

[Authority.- Estt. Division O.M. No. 11/11/73-C.1II(B), dated 2-4-1973].

SI. No. 40 Procedure for confirmation of deputationists.

Reference.-Ministry of Finance letter No.F.10(23) - EGII/ 48, dated the 10th June, 1949.

It has been brought to notice that there have been cases in which permanent officers belonging to a department or Government while on deputation to another Department or Government have been confirmed in the latter without the formal concurrence of the former which is essential as stipulated in the Ministry of Finance letter No. F. 10 (23)EGII/48, dated the 9th December, 1948. It is requested that when an officer is confirmed in the borrowing Government or Department prior formal concurrence of the lending Government or Department as well as the consent of the officer concerned should be obtained.

[Authority.- Finance Division letter No. 600-RIII/52, dated 6-3-1952].

SI. No. 41

F.R. 14-A(b) provides that the lien suspended under F.R. 14 (a) (2) cannot be terminated while the Government servant remains in Government service except on his written request. The effect of this provision is that in a case where a Government servant is appointed in a substantive capacity to a permanent post outside the cadre on which he is borne, he can retain his suspended lien in his parent

cadre for the entire period of his service under the Government, vide Government decision below F.R. 14-A. It is possible that the exercise of this right will result in certain administrative difficulties in some cases.

2. These rules have been framed with a view to safeguarding the legitimate rights of Government servants. It is not contemplated that their provisions should be so exploited as to cause administrative inconvenience to Government. In a case therefore, where the competent administrative authority feels that the retention of a suspended lien on the post by a Government servant after his appointment in a substantive capacity to an ex-cadre post, for an indefinite period thereafter, if the consent required for its termination under F.R. 14-A(b) is not given, is likely to cause administrative inconvenience, it is open to that authority not to allow, as a purely administrative measure, the making of the substantive appointment on the ex-cadre post. This is fully permissible and is not connected with the provisions of these rules. The Ministries and Divisions etc., may kindly note this for guidance and issue suitable instructions to the administrative authorities subordinate to

them, emphasizing the necessity of having this point considered before substantive appointments in ex-cadre posts of Government servants holding liens or suspended liens in the cadres administered by them are allowed. In this connection attention is invited to the Ministry of Finance endorsement No. 600-RIII/52, dated the 6th March, 1952, according to which borrowing Departments etc., are required to consult the lending Departments before confirming lent officers in the posts under the former's control.

[Authority.- Finance Division O.M. No. 8/36/59-E. XII, dated 13-3-1961].

SI. No. 42

There are a number of Government servants who are substantive holders of permanent posts in one office but are on

deputation to another. It has been brought to the notice of the Establishment Division that some times when such a Government servant, during the course of his service in the borrowing office, is confirmed, the parent office is not informed. As this practice causes administrative inconvenience to the parent office, it should be avoided. As laid down in the Ministry of Finance letter No. 600-RIII/52, dated the 6th March, 1952 (SI. No. 40), permanent officers belonging to a Government or Department, while on deputation to another Government or Department, should not be confirmed in the latter without the prior formal concurrence of the former and the consent of the officer concerned. Once such confirmation is decided upon, after taking also into consideration the point emphasized in the Establishment Division O.M. No. 8/36/59-E. XII, dated the 13th March, 1961 (SI. No.41), a copy of the resultant confirmation orders should be endorsed to the lending Government or Department.

2. Should such a Government servant continue to serve the borrowing Government or Department till the time of his retirement from service, information to the effect that he is being retired should be furnished to the lending Government or Department, unless the lien of the Government servant in his parent cadre had been terminated at the time of his confirmation in the ex-cadre post, as visualized in the Establishment Division Office Memorandum, dated the 13th March, 1961, referred to in the preceding paragraph.

[Authority.- Estt. Division O.M. No. 8/7/64-F.1, dated 19-10-1964].

SI. No. 43

Bar against the use of the term "Deputation Allowance".- It has been brought to notice that Ministries and Divisions frequently sanction "Deputation Allowance" for Government servants without specifying the reason for the allowance.

2. At the outset it may be stated that the term "Deputation

Allowance" has not been used in the F.Rs and under those rules special duty or "deputation within Pakistan" is not recognized vide Audit instruction below F.R. 40. Such cases are correctly described as cases of temporary transfer. The use of the term "deputation allowance" to denote an addition to pay or an allowance granted to a Government servant on his transfer from one department to another is technically incorrect and not recognized under the FRs. The position under these rules is that:

(1)

(2)

(3)

(4)

if on transfer from one department to another a Government servant is appointed to a post for which pay and allowances have already been fixed he should, ordinarily, draw the pay and allowances attached to that post;

if he is transferred for temporary duty against a temporary post created for him, the pay of the post has to be fixed in accordance with the principles laid down in F.R. 40 and the Government orders below that rule :

if it is not considered necessary to fix the pay of the post, the officer who is placed on temporary duty draws his own pay but if the duty involves the consideration mentioned in F.R. 9(25), a suitable special pay is sanctioned to him ;

if, however, the transfer does not attract the provisions of F.R. 9(25), but the grant of a compensatory allowance is justified e.g., where an officer has to incur extra expenditure due, for instance, to the expensiveness or remoteness of the locality to which he is transferred a suitable compensatory allowance is granted.

The classification of the additional remuneration, in either of the last two cases would depend on the reasons for which it is sanctioned.

3. The position stated above may be kept in view while sanctioning additions to emoluments on transfer of Government servants. The terminology used in the sanctions should be strictly in accordance with the terms recognized under the FRs and the reasons for which additions to emoluments are sanctioned should invariably be specified in the sanction letter.

[Authority.- Finance Division O.M.No.F.3 (31)-R-II(I)/58, dated 15-8-1958]. SI. No. 44

Deputation of Officers/Staff in Northern Areas of the Centre/Provinces and vice versa.- Government of Pakistan have decided that the officers/staff employed in the Northern Areas should be made interchangeable with comparable categories of officers/staff working in other parts of the country, including the Provinces. This decision may kindly be brought to the notice of all concerned for information and necessary action.

[Authority.- Estt. Division letter No.15/3/73-AV, dated 12-5-1973]

Convention between the Central Government and the Provincial Governments and the Provincial Governments inter se regarding terms and conditions of deputationists

Please consult Chapter |, SI. No.4

SI. No. 45

Deputationists from Provincial Governments.- The question has been raised whether, with the substitution of efficiency honorarium for advance increments, it is still necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of efficiency honorarium. After a careful consideration of the financial aspect of the matter, it has been decided that it will not be necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of efficiency honorarium provided the recommendations are not based on the recommendees' good performance under the Provincial Governments.

[Authority.- Estt. Division O.M. No. 5//63-CV/LR.II, dated 13-3-1965]. SI. No. 46

A case has recently come to the notice of the Establishment Division in which a BPS-5 employee of a provincial Government on deputation to the Federal Government was promoted to a BPS-16 post and subsequently to a BPS-17 post while on deputation without consultation with the Provincial Government concerned. This has created an awkward situation for the Provincial Government in the matter of fixation of pay, grant of pension, etc. to the employee concerned on repatriation from deputation.

2. It may be recalled that a Government Servant on deputation continues to be under the rule-making control of the lending Government and is governed by the rules of the lending Government in matters of pay, leave, pension, etc. The lending Government accordingly have a right to determine, in consultation with the borrowing Government, the terms of his employment under the latter and these terms should not be varied by the borrowing Government without consulting the lending Government.

3. In view of the position explained above it is brought to the notice of all the Ministries/Divisions etc. that no increase in pay or improvement in other service prospects should be allowed to any employee on deputation without consulting the lending Government or department and without the approval of the Establishment Division.

[Authority.- Estt. Division O.M.No.1/4/86-R.|. dated 3-4-1986]. SI. No. 47

Bar against asking officers by name _ for posting in Corporations/Autonomous Bodles.- There is a growing number of cases where Government servants have approached the various Ministries and Divisions and have managed to obtain offers by name for posting to the Ministry/Division concerned or to a Corporation or autonomous body under them. It has also come to notice that the Corporations and autonomous bodies negotiate directly with officers serving in other Departments and Ministries and ask for their release for posting with them. This procedure is neither regular nor proper. The posts generally carry additional benefits like special pay, deputation allowances etc. It is, therefore, not fair to confine selection to one or two names which a Ministry/Division may specify. Other officers with requisite qualification and experience with equally if not better record of service and senior to those asked for are not considered simply because they do not happen to be known to senior officers in the Ministry or Corporation wanting such officers.

2. The Establishment Division will not now entertain requests for particular officers. This Division will be constrained to take disciplinary action against a Government servant if it is established that he has secured offer through influence or pressure. It is, therefore, requested that all Ministries and Divisions should communicate their requirements to the Establishment Division specifying the qualifications and experience etc. required for the incumbent of a post. The selection of a suitable officer will be made

by the Establishment Division from amongst all those Government servants who answer the required qualification and experience etc. In making the selection the Establishment Division will continue to consult the referring Ministry. If there are any special considerations for which the services of a particular officer are required, such requests should come at the level of Secretary or Additional Secretary incharge of Division and it should be clearly explained why a particular officer is being asked for.

3. So far as Corporations are concerned, the Establishment Division propose to prepare panels of officers of various occupational groups in different grades whose services may be lent to the Corporations. All future postings to Corporations will be made out of these panels. Appointment will be made for a period of at least two years during which the officer will not be eligible for consideration for promotion in his parent department. Officers within the zone of promotion will not, as far as possible, be included in the panels with a view to obviating the possibility of dislocation in the work of the Corporation in the event of their recall on promotion by the Ministry concerned.

[Authority.- Estt. Secretary's d.o. letter No.4/I/75-A.R.C., dated 24-6-1975]. SI. No. 48

Bar against allowing officers to go on deputation against lower posts.- It has come to the notice of the Government that some Ministries/Divisions allowed their officers to go on deputation to foreign service in Pakistan to posts lower in emoluments and responsibility than what they had in the Government. This resulted in wasteful utilization of Government officers, embarrassment to the officers and difficulties in fixing their emoluments.

2. It has therefore been decided to request the Ministries/ Divisions that they should not henceforth depute any of their officers

to a post which is lower in emoluments and responsibility than the one he is holding in his parent office.

[Authority.-Estt. Division O.M. No. 3/5/ 68-A.III, dated 19-3-1968].

SI. No. 49

Cases have come to the notice of the Establishment Division where officers whose services were obtained on deputation for a specific period were not returned by the borrowing department when the parent department asked for their reversion. Attention in this regard is invited to the Establishment Division's O.M. No. 1(28)/71-D. Il, dated the 28th March, 1972 (Annexure 1), wherein it was laid down that officers obtained on deputation should be reverted to their parent department on the expiry of the period of deputation.

2. In the interest of efficient administration it is reiterated that the above mentioned instructions should be followed rigidly and the deputationists reverted to their parent department on the expiry of the period of deputation unless the intention is to permanently absorb the deputationist in the cadre or department where he

is serving on deputation and the recruitment rules for the post provide for such a course. In such cases, the consent of the deputationist to the suspension or termination of lien on his permanent post in the parent department, as well as the agreement of the parent department, should be obtained. With the completion of these formalities the deputationist will be treated as regular member of the establishment of the borrowing department.

3. Where, however, it is not intended to permanently absorb the deputationist in the borrowing department, the deputationist must not be allowed to remain away from his parent cadre for unduly protracted period; he should be reverted to the parent department on expiry of the period of deputation as originally fixed. If the borrowing department needs the services of another officer having the

qualifications or experience possessed by the deputationist, a request should be made to the lending department to depute some other officer in his place possessing the same qualifications or experience as far as possible. The borrowing department in no case should insist on retaining a particular individual beyond the original period of deputation.

4. All Ministries, Divisions and Departments are requested to examine the cases of deputationists with them and take necessary action in the light of the above instructions. If relaxation of these orders is required in any individual case, it may be referred to Establishment Division with full justification.

[Authority.- Estt. Division O.M. No. 1(28)/75-D.Il, dated 6-3-1975]. ANNEXURE |

Copy of Establishment Division O.M. No. 1(28)/71-D. Il, dated the 28th March, 1972.

The question has been raised whether the instructions issued in the Establishment Division O.M. No.1/23/71-D.Il, dated 29th July, 1971 (Annexure Il) regarding proforma promotion apply also to past cases where proforma promotions had already been made prior to the issue of these instructions. The Ministries and Divisions are advised to review all such cases. If the officer had been allowed to proceed on deputation for a specific period, he should be required to revert to the parent department on expiry of that period. In case no period was specified, the parent department should examine the propriety of recalling the officer to the parent cadre as it is not administratively desirable that officers and staff should remain away from their parent cadre for unduly long period, say, more than 3 years in the case of gazetted officers and 5 years in the case of non-gazetted staff. However, if in the case of a particular department the number involved is large, the recall of the deputationists should be judiciously

staggered so that no large scale reversions are caused in the parent office consequent on the recall of the deputationists. Priority in recall should be given to those who have been allowed proforma promotion in the parent cadre. Where, however, the borrowing departments are prepared to confirm such officers and staff on their own establishment (provided this is admissible in accordance with the Recruitment Rules applicable to the post) and the officer or staff is also willing to be so absorbed, reversion to parent cadre may not be insisted upon.

ANNEXURE II

Copy of Establishment Division O.M. No. 1/28/71-D.Il, dated the 29th July, 1971.

The Ministries and Divisions, as well as Attached Departments and Subordinate Offices, have in the past been ordering proforma promotions (also called promotions in absentia) of persons serving on deputation on foreign service, or in ex-cadre posts, as a matter of course on the sole ground that the deputationists had been approved for promotion by the D.P.C. of the parent Department and a person junior to him had been promoted. This has resulted in the deputationists serving away from their parent Department or cadre for unduly long periods as such persons not only enjoy better emoluments while on deputation but also feel secure that their interests are being fully protected in their own Departments.

2. The intention underlying proforma promotions is to protect the interests of the Government servant only in circumstances where the Government servant is required to serve away from his parent cadre because of a definite requirement of public interest and not merely to suit his own interests. Normally therefore, a deputationist, as soon as he becomes due for promotion, should be required to revert to his parent Department

or cadre so that he is promoted to the next higher post for which he may have been declared fit. In case an offer of promotion is made to him and he declines to revert, he may

be allowed to remain in the outside post on the clear understanding that he will not ask for proforma promotion. Only in exceptional cases where the borrowing Department or organization expresses its inability to spare the officer, and the Head of the parent Department records in writing why he considers it necessary to keep the Government servant on deputation in the ex-cadre appointment, may proforma promotions be made. Even in such cases the period for which the officer is allowed to continue to remain on deputation, with the benefit of proforma promotion, should be Judiciously fixed so that the officer reverts to his cadre and is appointed to the post for which he has been approved for promotion, as early as possible. Such period should not normally exceed 6 months. All cases where proforma promotions are allowed for a period exceeding 6 months should be reported to the Establishment Division with full justification.

3. The Ministries/Divisions are also advised that in future whenever they send an officer or member of the staff on deputation to an ex-cadre post, or on foreign service, they should settle in advance the period of deputation with the borrowing office/organization on the expiry of which the Government servant should revert to his parent cadre. While selecting persons for deputation, care should also be taken not to depute officers who would soon be coming up for promotion to the next rank in their own cadre and may have to be re-called. In the majority of cases, officers and staff are sent on deputation on their application or request. They should be warned that in case they fall due for promotion, they will have to revert to their parent cadre and they will not be allowed promotions in absentia.

4. The above instructions do not apply to senior appointments in international organizations such as the United Nations, the R.C.D. Sectt., etc. to which officers are nominated by Government having regard to their qualifications, experience and suitability. In such cases it may be presumed that the services of the officer have been placed on deputation with the foreign organization in the public interest, and proforma promotion, when called for, may be made.

SI. No. 50

Drawal of rewards, remuneration and other concessions not specifically sanctioned.- Government order under F.R. 114 and para 1 of Appendix 11 to Fundamental Rules, and Supplementary Rules, Vol. Il provides that no Government servant shall be permitted to receive any remuneration or enjoy any concession which is not specifically settled, and that if the sanctioning authority is silent as to any particular benefit it must be assumed that it shall not be enjoyed.

2. Audit Instruction No. 2 below F.R. 114 reads _ that Government servant on foreign service cannot accept any reward or remuneration not covered by the terms of their transfer to foreign service unless it is specially sanctioned subsequently by the authority competent to sanction their transfer to foreign service.

3. It has come to the notice of the Government that the above provisions of the rules/instructions have not been followed by some of the autonomous/semi-autonomous/statutory bodies. In flagrant violation of rules/instructions Government servants on deputation to autonomous bodies etc. have been allowed the services of Peon/Orderlies exclusively for residence, Chowkidar and servants at the residence and transport exclusively for the deputationist without the knowledge and sanction of competent authority. Government have taken serious note of such irregularities. With a view to ensuring financial discipline, the Provincial Government and the autonomous bodies are requested to discontinue forthwith such unauthorized concessions being enjoyed by the Government servants on deputation.

[Authority.- Finance Division O.M.No. 1(32)/ 69-A.III, dated 12-7-1969].

SI. No. 51

Benefit of promotion in parent cadre while in foreign service. - It appears that the position regarding promotion, in their parent cadres, of Government servants transferred to ‘foreign service’ [as defined in Fundamental Rule 9(7)], and the benefit occurring to them from such promotion is not clear in some quarters.

2. Cases of promotion, in their parent cadres, of Government servants who are transferred to foreign service and the emoluments admissible to them are regulated by the provisions of Fundamental Rules 113 and 114

which fall in Chapter XII of Section | of the Fundamental and Supplementary Rules, Vol. 1, and not by the proviso to the 'next below rule' /.e., the second proviso below F.R. 30 which falls in Chapter IV of those Rules and applies in cases of Government servants serving outside their ordinary line within Government service.

3. According to F.R. 113 a Government servant transferred to foreign service remains in the cadre in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide, keeping in view the considerations mentioned in that rule. According to F. R. 114, read with orders issued thereunder, which have been printed in Appendix No. II to the Fundamental and Supplementary Rules, Vol. Il, a Government servant transferred to "foreign service' in Pakistan shall unless his duties in foreign service involve a decided increase in work or responsibility in comparison with duties of his post in Government service, be allowed the same remunerations as he would have received from time to time in Government service but for his transfer to foreign service. It follows from these orders that if a Government servant who is on deputation to foreign service is promoted in his parent cadre, he should, if he continues to remain in foreign service, be allowed the remuneration which he would have received in the higher post in Government service to which he is

promoted. The higher remuneration would, of course, be payable by the foreign employer.

[Authority.- Finance Division O.M. No. F. 6(4)-R2/65, dated 9-2-1966].

SI. No. 52

Recovery of leave salary and pension contribution in respect of Federal Government employees on deputation to foreign service within Pakistan or abroad.- In accordance with Fundamental Rule 116 the rates of contributions payable on account of pension and leave salary shall be such as the President may by general orders prescribe. The existing rates are contained in Appendix 11-A, FRs and SRs Vol.Il. The question regarding revision of the rates and mode of recovery etc., of leave salary and pension contributions has been engaging the attention of the Government for some time past. It has now been decided to prescribe a uniform rate of recovery of pension contributions at 33.33% of the mean of minimum and maximum of the pay scale of the grade held by the Government servant concerned at the time of his proceeding on foreign service, plus other emoluments (reckonable for pension) which would have been admissible to him had he not been deputed on foreign service. The above prescribed rate of pension contribution shall apply to all Federal Government employees whether on deputation to foreign service within Pakistan or abroad.

2. In future, the pension contributions in all cases shall be payable by the foreign employers. However, in the case of Government servants presently on deputation to foreign service within Pakistan or abroad, pension contributions shall be paid by the foreign employers or the government servants concerned, as the case may

be, according to the agreed terms of deputation.

3. As regards leave salary contributions, it has been decided that no leave salary contributions shall be recovered from foreign employers, but leave/leave salary shall be sanctioned/paid during the period of foreign service by the foreign employers. The Federal Government employees sent on deputation to foreign service who, under the revised procedure, are granted leave and paid leave salary by the foreign employers, shall not count the period spent on foreign service for earning leave under the Government of Pakistan.

4. These orders shall take effect from 1-1- 1982. Formal amendments to the relevant rules shall be issued separately.

[Authority.- Finance Division O.M. No. F. 5(5) Reg.7/79-1407, dated 15-12-1981]. SI. No. 53

Procedure for recovery of 'Leave Salary and Pension contributions.- According to the procedure laid down in Part VI of Appendix 3 of FRs and SRs, Vol. II, a copy of the orders sanctioning a government servant's transfer to foreign service should always be communicated to Audit and Accounts Officer concerned. The terms and conditions of foreign service and other detailed particulars regarding pay to be drawn in foreign service are required to be furnished to the Audit and Accounts Officer so that the rates of monthly leave salary and pension contributions are intimated to foreign employer, the government servant concerned and _ his department. Any promotion or reversion in the parent Department is also to be reported to the Audit and Accounts Officer concerned. The contributions paid into the government account are accounted for by the Audit and Accounts Office and recoveries in individual cases are watched.

2. It has come to the notice of the Finance Division that in several cases the orders of transfer of a government servant on foreign service do not reach the Audit and Accounts Office concerned or, if received,the terms and conditions and other particulars are not given therein. Consequently, the rates of monthly contribution cannot be intimated by the Audit and Accounts Office to the Foreign employer and the Government servant concerned, with the result that the contributions are not deposited promptly and regularly. There have been many cases in which the government servants completed their tenure of foreign service in Pakistan or abroad and returned to their parent department without depositing the leave salary and pension contributions due to the reason that the Audit and Accounts Office concerned is not informed in time about their transfer on foreign service. The

‘Note.-Under the latest orders no leave-salary contribution are recoverable from the foreign employer/government servant.

required particulars are not furnished by the department to the Audit and Accounts Office and consequently the latter are not in a position to intimate the rates of monthly contributions resulting in their non-deposit. In case of deputations abroad, loss of foreign exchange is suffered by Government if the pension contribution is payable by the government servant and he returns to Pakistan on completion of his tenure without depositing the contribution for the reason that the amount was not intimated to him in due time.

3. In view of the position stated above, all Ministries/Divisions are requested to ensure that in future all sanctions regarding the deputation on foreign service are invariably addressed to the Accounts Offices concerned. While sanctioning the transfer of a government servant on foreign service, the monthly rates of leave salary and pension contribution should be invariably indicated in the sanction. [..........] The rates so indicated by the Departments concerned may be _ provisionally adopted for depositing the contributions promptly and regularly every month till the final rates are intimated by the Audit and Accounts Offices on receipt of which the

excesses/deficiencies, if any, can be adjusted. The Audit and Accounts Officers will check the accuracy of the rates and watch the recoveries of the contributions and their proper accounting in the government accounts.

[Authority.- Finance Division O.M.No.F.5(5) Reg.7/77-1082-(2), dated 28-2-1980]. SI. No. 54

Recoveries of dues from Government Servants in Foreign Exchange.- A reference is invited to the Finance Division O.M. No. F. 1(8) EF (B. Il)/76-2720 dated the 14th July, 1976 and, it is stated that the question of recoveries from Government servants due in foreign exchange has been re-examined in consultation with the Ministry of Law. The position is that the Government is legally entitled to recover the exact amount in the currency in which the overpayment was made or the dues became recoverable. It has, therefore, been decided that if the overpayment was made or dues became recoverable in a particular currency, the recoveries should be made in that currency or in equivalents of US dollars according to the rate of exchange between that currency and the US dollar on the date of recovery. If for any reason, such as posting in Pakistan retirement, etc. recoveries cannot be effected in foreign exchange these can be effected in Pakistani rupees. However, since permission to pay such dues in local currency is in fact permission to purchase foreign exchange for refund to Government the rate of exchange applicable in such cases shall be the rate prevailing on the date on which such recoveries are actually effected. Finance Division's O.M. dated the 14th July, 1976 quoted above may please be deemed to have been modified accordingly with immediate effect.

[Authority.- Finance Division O.M.No.F.1(8)EF (B.1|)/80-2689, dated 18-12-1980].

Transfer to Foreign Service out of Pakistan

SI. No. 55

Applications for posts under foreign Government advertised in foreign newspapers/magazines. - |t has been decided that applications of Government servants for posts under foreign Governments which are advertised in foreign newspapers/ magazines should not be entertained. No such proposal should also be forwarded to the Special Selection Board.

[Authority.- Estt. Division O.M. No. 1/23/ 66-T.IV, dated 26-11-1977]. SI. No. 56

Reference Establishment Division's O.M. No.1/16/82-T-IV dated 4th May, 1982 in which it was decided that applications of Government servants for posts under International Organizations which are advertised in Foreign Newspapers/Magazines should not be entertained.

2. Recently it has been observed that the World Bank has not been circulating any notices of vacancies which may be available with them. Instead the posts are being advertised in the Press. As Government servants are not allowed to apply for such posts, the representation of Pakistan in the Bank has come to virtual. It has, therefore, been decided that Government servants may be allowed to apply for jobs advertised by the World Bank in the Press after obtaining approval of the Competent Authority. The existing instructions will continue to apply as far as other International Organizations etc. are concerned.

[Authority.- Estt. Division O.M.No.1/80/84-T.IV, dated 30-7-1984].

SI. No. 57

Deputation abroad of Government servants.-Under the President's directive, deputation abroad of Government servants irrespective of their scales requires the approval of Special Selection Board in the Establishment Division. Cases of officers of pay scales 17 and above are submitted to the Prime Minister for his approval.

2. It has, however, been noted that certain Ministries have been deputing their officers abroad without the approval of the competent authority. The Prime Minister has taken serious view of this irregularity and has directed that there should be no deviation, whatever the circumstances, from the procedure laid down in this behalf.

3. It is requested to bring these instructions to the notice of all concerned for strict compliance.

[Authority.- Estt. Secretary's d.o.letter No.1/165/83-T.IV dated 12-1-1983].

SI. No. 58

Procedure regarding employment abroad of Government servants in private firms/organisations.- Reference Establishment Division O.M. No. 1/23/66-T.IV dated 24th June, 1978 (SI. No. 71) on the subject noted above, the following decision taken in the Special Selection Board meeting held on 17th September, 1980 is conveyed for information and compliance:-

"The Government servants shall not be allowed to seek employment with private bodies outside Pakistan either on their own or through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation. They should apply only against posts under the Foreign Governments advertised in the country through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation. Their cases will be considered by the Special Selection Board and the maximum period for which they may remain abroad shall not exceed 5 years. If this condition is not complied with, the Government servant concerned shall have to resign from Government service."

2. It is requested that strict compliance of the foregoing instructions may please be ensured. Any instructions issued by a Ministry/Division or the Provincial Governments which are not in conformity with the above decisions should please be treated as cancelled. Proposals which do not conform to the revised procedure stated above will be returned to the sponsoring Ministries/Divisions unapproved.

[Authority.- Estt. Division O.M. No. 1/23/78-T.IV, dated 1-10-1980]. SI. No. 59

It has been noticed that some Government servants are directly receiving or soliciting offers of appointment from private firms/organisations based in foreign countries and are seeking Government clearance for accepting such offers on deputation basis. This practice, which is on the increase, is against Government

Servants Conduct Rules. It is obvious that in all cases of this nature, the Government servants while still in Government service, had established contacts with the private firms/ organisations offering the appointment. This tendency has to be curbed because it is quite possible that the firm/organisation offering the appointment to the Government servant concerned may be doing so in consideration of some favour done to the firm by the Government officer concerned. It has, therefore, been decided that any Government servant receiving

such an offer of employment from a private firm/organisation abroad will not, in future, be allowed to go on deputation. He will have to resign from Government service before he is allowed to accept the appointment with a private firm/organisation based in a foreign country.

2. These instructions, however, do not affect the offers of appointments or submission of applications against vacancies announced by Foreign Governments or International Agencies. The existing procedure prescribed in such cases will continue to be observed and the relevant cases should be sent for approval to the Special Selection Board in the prescribed manner.

[Authority.- Estt. Division O.M. No.1/23/ 66-T.IV, dated 6-10-1977].

DEPUTATION/EMPLOYMENT ETC. OF GOVERNMENT SERVANTS WITH INTERNATIONAL ORGANIZATIONS/ FOREIGN GOVERNMENTS/UN SPECIALISED AGENCIES

SI. No.59-A

In continuation Establishment Division’s O.M. of even number dated 22-4-1998, it is stated that such cases of employment of Government Servants with the International Organizations, Foreign Governments or United National Specialized Agencies, which fulfill the following conditions shall be treated as “official request’ and as such deputation abroad:-

a) The vacancy announcement by _ the _ International Organization/ United Nations Specialized Agency or the Foreign Government is officially communicated to the Government of Pakistan;

b) The vacancy is widely circulated to all Ministries/Division/ Provincial Government, etc.

c)

d)

Officers selected are the nominees of the Government of Pakistan;

The final approving authority is the Chief Executive (for officers in BS-19 and above/equivalent); Establishment Secretary(for officers in BS-17 & 18/equivalent), on recommendations of the Special Selection Board in the Establishment Division; the Administrative Secretary of the Ministry concerned (for officials in BS-16 and below/ equivalent officers/officials).

[Authority: Establishment Division (Training Wing)’s O.M.No.1/65-90-T.IV, dated 13-4-2000]

SI. No. 60

Adequate circulation of vacancy notice.- Extract from the minutes of the meeting of the Special Selection Board is reproduced

below :-

"The Special Selection Board was of the view that in cases where nominations against senior posts were called for, the sponsoring Ministries/Divisions should bring the offers to the notice of the concerned Ministries/Divisions at the level of the Secretary/Joint Secretary."

. It is requested that Ministries/ Divisions concerned may

kindly take necessary action in the matter as indicated above as soon as job descriptions are received by them.

[Authority.- Estt. Division O.M. No. 1/103/ 71-A.VII, dated 30-10-1971].

SI. No. 61

The following decision of the Special Selection Board taken in its meeting held on 24th July, 1977 is conveyed for necessary compliance:-

Whenever a Ministry/Division receives a vacancy notice from any International Organization, it may be adequately circulated among the concerned agencies and all the applications received be forwarded to the Establishment Division for SSB's approval with clear recommendations.

[Authority.- Estt. Division O.M.No.1/23/66-A. VII/T.IV, dated 6-8-1977]. SI. No. 62

Recently instances have come to the notice of the Special Selection Board that the instructions regarding submission of cases to the Special Selection Board for nominations against various posts in International/Regional Organizations are not being strictly followed. The Vacancy Notices received from the various International/Regional Organizations are not adequately circulated thus restricting the scope of selection by the Special Selection Board and also giving a cause of complaint to many qualified Government servants.

2. It may please be ensured that in future all Vacancy Notices are circulated to all the Ministries/Divisions concerned and Provincial Governments. Copies of all notifications may be endorsed to the Establishment Division.

[Authority.- Estt. Division O.M. No. 1/23/ 66-T.IV, dated 23-6-1977].

SI. No. 63

Despite the instructions contained in the Establishment Division's O.M. No. 1/23/66-T.IV, dated the 23rd June, 1977, instances of inadequate circulation of Vacancy Notices received from various International/Regional Organizations are on the increase. In future all Vacancy Notices may please be circulated to all the Ministries/Divisions concerned and Provincial Governments and copies of all such notices endorsed to the Joint Secretary (Training), Establishment Division, Rawalpindi.

[Authority.- Estt. Division O.M. No. 1/23/ 66-T.IV, dated 16-4-1978]. SI. No. 64

Circulation of Job Descriptions.- It has been observed that the job descriptions of various posts received from the International Organizations are not being circulated properly amongst the Ministries/Divisions concerned and the Provincial Governments. It has also been noted that in many cases the nominees are not qualified for the jobs. It has, therefore, been decided that in future the Ministries/Divisions should;

(i) circulate the vacancy announcements amongst the concerned Ministries/Divisions and Provincial Governments well in time;

(it) | nominate only those officers who are properly qualified for the jobs;

(iii) nominate atleast three candidates for each job to enable S.S.B. to pick-up the best suited candidates; and

(iv) to ensure adequate circulation of job descriptions, the Ministries/Divisions receiving vacancy announcements

direct from International Organizations should sent the copies of their circulars to Economic Affairs Division and Establishment Division indicating the Ministries/Divisions to whom the particular job is being circulated.

[Authority.- Estt. Division O.M. No. 4/3/80-T.IV, dated 18-8-1980].

SI. No. 65

Functions of the Special Selection Board.- The following decisions taken in the Special Selection Board's meeting held on 13th October,1977 are conveyed for information and compliance:-

(i)

(ii)

2.

All cases of postings of non-foreign service officers in Pakistan's missions abroad like Commercial Secretaries, Educational Attaches, Labour Attaches, Information Officers, etc. (excluding Intelligence and Defence personnel) should be referred to the Establishment Division for clearance of Special Selection Board ;

The cases of deputation of Government servants to International Agencies and _ foreign Governments should, as before, be referred to the Special Selection Board for clearance. However, no such case will he entertained in which the officers have been received by Government officers direct. Only such nominations will be entertained as are- received' by _ the Ministries/Divisions through proper channel.

It is requested that strict compliance of the foregoing

instructions may please be ensured. Any instructions issued by a Ministry/Division or the Provincial Governments which are not in

conformity with the above decisions should please be treated as cancelled. Proposals which do not conform to the revised procedure stated above will be returned to the sponsoring Ministries/Divisions unapproved.

[Authority.- Estt. Division O.M. No. 1/23/66-T.IV, dated 26-10-1977]. SI. No. 66

Procedure for submission of cases to S.S.B.- It has been noticed that incomplete cases are being forwarded by the Ministries/Divisions to the Establishment Division viz. Economic Affairs Division which results in delay.

2. Ministries/Divisions are requested to send cases complete in all respect to this Division through Economic Affairs Division with the following documents:-

1. Biodata .... 6 copies 2; Job description .... 6 copies 3. Summary Statement (Proforma attached- Annexure).......... 6 copies

4. Sparability certificate (signed by the Secretary of Division/Head of Department........

3; C.R. dossier complete with photograph of the officer thereon...........

[Authority.- Estt. Division O.M. No.1/23/80-T.IV,dated 18-7-1981].

ANNEXURE

SUMMARY STATEMENT PROFORMA

Name of Inter- Job Qualifications Name of post national description required by the Name of Organization in brief International Officer Organization nominated 1 2 3 4 5 Qualifications Whether or not of the Officer Training Experience released certificate nominated attached 6 7 8 9

SI. No. 67

Sparability certificate.- The following instructions were issued vide Establishment Division's letter No.D. 1700/79-T.IV, dated 17th November, 1979 :-

"The Establishment Division controls District Management, Tribal Areas, Secretariat, Police and Office Management Groups and all service matters of officers of these groups are being dealt with by this Division. It has, therefore, been decided that the Establishment Division will be the final authority to determine the sparability of officers of the above mentioned groups for jobs within or outside Pakistan. The

Ministries/Divisions concerned would of course be provided a substitute of equal ability.

2. It has been observed that sparability certificate are not issued in accordance with the aforesaid instructions. The Special Selection Board is, therefore, unable to consider such cases with the result that they get delayed and the facilities lapse. To avoid such situations, it is requested that it may please be ensured that the sparability certificates of candidates for deputation to Foreign Government/International Agencies belonging to the above mentioned groups are issued strictly in accordance with the instructions contained in letter No.D. 1700/79 T.IV dated the 17th November, 1979.

[Authority.- Estt. Division O.M. No. D. 1700/79-T.IV, dated 6-10-1981].

SI. No. 68

Requirement of second approval by S.S.B.- The Special Selection Board in its meeting held on 28th July, 1981 decided that the candidates once approved by it for a job in an International Organization will require fresh approval of the Board if they intended to apply subsequently for a similar job in any _ International Organization.

[Authority.- Estt. Division O.M. No. 1/221/ 80-T.IV, dated 5-9-1981]. SI. No. 69

Clearance for posting abroad or on deputation.- The President has been pleased to direct that all Government personnel being posted abroad on Government appointments or on deputation with

other agencies whether they are members of any Service group or are professional such as educationists and scientists will have to be cleared by the Intelligence Agencies before they proceed to take charge of their assignments. The names of such persons will be forwarded to the D.I.B., ten to twelve weeks before they are scheduled to leave. The individuals will be sent abroad only when clearance has been obtained from the Intelligence Bureau.

2. It is requested to ensure that the above instructions are enforced strictly with immediate effect and government servants under administrative control of Ministries proceed abroad only when they have been cleared by the Intelligence Bureau.

[Authority.- Estt. Secretary's d.o.letter No.1/102/83-I-IV, dated 18-7-1983]. SI. No. 70

Standard terms and conditions of service for Government servants who proceed for service abroad.- In supersession of this Division's letter of even number dated the 23rd November, 1970, on the subject noted above, | am directed to convey the decision of the President that the Government servants who proceed for service abroad, whether in Government or in private sector, will be allowed the following terms and conditions for the period of their deputation:-

(1) The period of deputation will be treated as foreign service and will commence from the date of release from the Central Divisions/ Provincial Departments and will terminate on the date of resumption of duty under the Central/ Provincial Government.

(2) During the period of foreign service, the person concerned will be entitled to pay allowances and travelling facilities (including passage for himself and his family to the place of employment under the borrowing

(3)

Government and back on termination of the contract) in accordance with the regulations of or the terms and conditions offered by the borrowing Government.

The person concerned shall, during the period of his foreign service, pay to the Government of Pakistan through the Pakistan Mission in the borrowing country, in foreign currency in which he receives his salary from the foreign employers, pension contribution — in accordance with the relevant rules of and at the rate prescribed from time to time by Government of Pakistan. On delayed payments of these contributions, interest shall be payable under S.R. 307. Till such time as the rates of pension contribution are ascertained and intimated by the Audit Office concerned the person concerned shall provisionally pay pension contribution in foreign currency on the basis of the ‘length of his service at the rate given in Appendix No.11-A to the F.R. and S.R. Vol.-ll.

“Note.-For latest orders see Finance Division O.M.No.F-5(5)Regs 7/79-1407, dated 15-12-1981.

(4)

During the period of foreign service, the person concerned will continue to subscribe to the G.P. Fund or any other Fund of the same nature of the Central/Provincial Government according to the rules and orders regulating subscription to that Fund. The amount of subscription is payable in foreign exchange and he shall remit the necessary amount in foreign exchange every month to a scheduled bank in Pakistan which shall pay to the Accounts Officer the rupee equivalent thereof at the official rate of exchange on

(5)

(6)

(7)

the basis of his pay which would have been admissible to him in Government service, but for his transfer to foreign service.

The leave terms of the person concerned during the period of his foreign service will be regulated according to the rules of or the terms and conditions offered by the borrowing Government. Leave salary due in respect of such leave will be payable by the _ borrowing Government to the person concerned. No part of the leave earned by him during the period of foreign service will be credited to his leave account with the Central/Provincial Government, nor will any liability in respect of leave salary on account of such leave devolve on the Government. The Central/Provincial Government will not recover any leave salary contribution from the borrowing Government. The person concerned will also not be entitled to receive any leave salary, from the Central/Provincial Government in respect of disability arising in and through foreign service with the borrowing Government.

During the period of foreign service, the person concerned will not be entitled to receive any leave salary from Central/Provincial Government in respect of disability leave on account of any disability arising in or through foreign service, even though this disability might manifest itself even after the termination of foreign service.

During the period of foreign service, the person concerned will not be entitled to any medical facility in respect of himself and family members at the expense of the Central/Provincial Government.

(8) The person concerned shall be on deputation with the borrowing Government for the period originally agreed upon. Any extension beyond the original period of deputation shall not be made without the approval of the Government of Pakistan. Any extension without the approval of the Government of Pakistan will be treated as an irregularity on the part of the person concerned and may call for disciplinary action.

(9) Further, if the person concerned during the period of his deputation becomes entitled to any additional benefit, or is appointed to any post involving alteration in his emoluments, he will intimate particulars of such appointment to the Government of Pakistan for information. Any modifications of the terms involving additional liabilities on the Government will require their prior approval.

(10) The person concerned shall retain his lien if he is holding a permanent post, or if allowed by the Department/Division, as a special case.

2. In the case of Government servants who are already on deputation abroad, sanctions already issued should be amended particularly in the light of sub-paras (4) and (5) of the preceding para, under intimation to the Government servant and the Accounts Officer concerned.

[Authority.- Labour and Local Bodies Division's letter No. 15-1 (18)/70-El, dated 1-3-1973].

SI. No. 71

Maximum period of employment abroad.-It has been decided that Government servants who have gone abroad on their own and are in employment with private bodies on contract terms may be

allowed to remain abroad till termination of their contract period provided that their total period of foreign employment does not exceed 5 years. Such Government servants should submit copies of their contract/documents, duly authenticated, through the Pakistan Missions concerned to their Administrative Ministries so that their liens may be maintained and they may now be required to return by the 30th June, 1978.

2. In this connection attention of all concerned may be invited to Fundamental Rule 18 which lays down that unless the President, in view of the special circumstances of the case, shall otherwise determine, after 5 years continuous absence from duty, elsewhere than on foreign service in Pakistan, whether with or without leave, a Government servant ceases to be in Government employ. It would therefore be in their own interest if the Government servants who are serving abroad on their own with private organizations or on foreign service terms ensure that the period of 5 years continuous absence from duty in Pakistan if not exceeded without proper Government sanction.

3. The Ministries and Divisions are requested to review immediately the cases of the Government servants under their administrative control who have been continuously absent from their duty owing to their employment with organizations outside Pakistan either on their own or on foreign service terms and take steps to ensure that those who have completed 5 years period return immediately to their duty in Pakistan failing which they shall cease to be in Government employ under F.R. 18 except where their absence in excess of 5 years is covered by proper Government sanction or where they are bound by some terms of contract which should be produced by them. In the latter cases, the Ministries/Divisions concerned may take action to obtain Government sanction in terms of F.R. 18 to cover the period exceeding 5 years.

[Authority.- Estt. Division O.M. No. 1/23/ 66-T.IV, dated 24-6-1978].

SI. No. 72

Extension of tenure of officers holding posts/assignments in various International Agencies or foreign Governments.- It has been noticed that officers going abroad on deputation to International Organizations or Foreign Governments for the fixed term almost invariably send in requests for extension of their term. Existing Government policy limits the tenure of officers serving in International Agencies to five years. However, a number of officers have been holding foreign posts for more than 5 years and requests for further extension are not un-common. It has been decided that officers who have completed five years abroad should be asked either to return or if they wish to continue in International Agencies beyond the prescribed tenure they should seek retirement from service in Pakistan. Ministries/Divisions/ Provincial Governments may kindly take this action in respect of officers under their administrative control under intimation to Establishment Division.

[Authority.- Estt. Division O.M. No. 1/8/ 74-A.VII, T/IV, dated 24-9-1974]. SI. No. 73

Reference Establishment Division Office Memorandum No. 1/8/74-AVII/T.IV, dated the 24th September, 1974. In modification of the instructions issued in that Office Memorandum it has been decided that Government servants who have completed five years abroad and have not completed 25 years of service should be asked to return to Pakistan. Government Servants who have completed 25 years of service qualifying for pension may opt for retirement from service in Pakistan if they wish to continue in International Agencies beyond the prescribed tenure of five years.

[Authority.- Estt. Division O.M.No.1/8/ 74-A.VII/T.IV, dated 3-12-1974].

SI. No. 74

The following decision of the Special Selection Board taken in its meeting held on the 24th July, 1977 is conveyed for necessary compliance:-

(i) | XXXXx XXXX XXXX

(iit) All the cases of extension be referred to the Establishment Division and where the administrative Ministries think that extension should not be granted, they may make the recommendations but should obtain the approval/decision of the Special Selection Board/Establishment Division invariably in all cases.

(iii) | All extensions upto 5 years may be liberally recommended but beyond 5 years no extensions should be recommended.

[Authority.- Estt. Division O.M.No.1/ 23/ 66-A-VII/T.IV, dated 6-8-1977]. SI. No. 75

It has been observed that the officers going on deputation abroad against Pakistani posts stay abroad beyond the tenure fixed for the posts in-question. They ask for extension on various grounds and some time put pressures for extending their tenure. The Government has taken a serious view of the prevailing situation and has decided that the Ministry/Division concerned will, in future, automatically move the case for recall of the officer 6 months before completion of his normal tenure and submit a panel of names for consideration of the Special Selection Board to enable the latter to select a suitable person to succeed the officer already abroad.

[Authority.- Estt. Division O.M.No.1/23/ 80-T.IV, dated 20-8-1982].

SI. No. 76

In continuation of the Establishment Division's O.M. No. 1/23/80-T.IV, dated 20th August, 1980, it is reiterated that a proposal for replacement of an officer on deputation should be initiated six months before his tenure is due to expire. In case an Officer is promoted during his deputation abroad and has more than six months of his tenure left, he should be given a notice of six months to return and join his new post.

[Authority.- Estt. Division O.M. No. 1/23/80-T.IV, dated 23-9-1980]. SI. No. 77

Extension in the deputation of officers posted in Pakistan Missions abroad.- Reference Establishment Division O.M. No. 1/23/80-T. IV, dated 23rd September, 1980 (SI. No.76) on the subject, it is stated that the period of deputation of non-diplomatic officers posted in Pakistan Missions abroad should not be more than 3 years.

2. According to the current practice, while deputation of these officers is approved by the Special Selection Board and the Prime Minister, the extensions in their deputation period are being granted by the concerned Ministries/Divisions in themselves. It has, however, been noticed that a number of officers have been holding these posts for more than 3 years and requests for extensions beyond their normal tenure are not uncommon. To maintain uniformity in granting extensions to the officers posted against Pakistani posts abroad, it has been decided that extension for a period of one year may continue to be allowed by the Ministries/Divisions in deserving cases. However, cases involving extension beyond one year should henceforth be put up to the Special Selection Board for decision.

[Authority.- Estt. Division O.M. No.1/97/ 83/T.IV, dated 26-3-1986].

SI. No. 78

Deputation of Pakistanis in International Organisations as short-term Consultant.- Officers of the Government of Pakistan Provincial Governments are sometimes engaged by International organisations as Consultants and paid Consultancy fee plus other benefits. Under SR-12 they are required to deposit 1/3rd of the fee into General Revenues. It has, however, been noticed that these instructions for crediting portion of the fee to Government are not being followed by the Ministries/Divisions and Provincial Governments in the case of Consultancies abroad. The Ministries/ Divisions are requested to apply the provisions of SR-12 strictly when officers go abroad as Consultants.

[Authority.- Estt. Division O.M. No. 1/27/80-T.IV, dated 13-4-1980]. SI. No. 79

Reference.- Establishment Division O.M. No. 1/27/80-T. IV, dated 13th April, 1980.

It has further been decided by the Special Selection Board that a copy of the letter sanctioning terms and conditions of the officers (including the condition that one third of the fee/ remuneration may be deposited into the General Revenues) may be endorsed in future to the AGPR and Accountants General of the Provinces in the case of Federal and Provincial Employees respectively as well as to the

Pakistan Embassy in the country where the officer is taking up the consultancy. One copy should also be sent to the Training Wing, Establishment Division.

[Authority.- Estt. Division O.M. No. 1/27/80-T. IV, dated 22-9-1980].

SI. No. 80

Policy concerning promotion of Civil Servants on deputation abroad.- A civil servant, if selected for appointment in any international agency, foreign government or private organization abroad, is permitted to go on deputation for a period of 3 years extendable to 5 years on the request of the deputationist or his employer. After expiry of the approved period of deputation, the deputationist is required to come back and resume duty in the country.

2. While on deputation abroad, a civil servant was considered for promotion in accordance with his seniority position but actual promotion took place after he resumed duty on return to Pakistan. This enabled such civil servants to regain their seniority vis-a-vis their juniors on actual promotion. Experience has shown that despite promotion, these officers seldom return even on completion of their approved deputation period. By the time they return, many officers have lost their utility and experience relevant to service needs. Promoting such officers immediately on return may not, therefore, be in public interest.

3. It has, therefore, been decided with the approval of the President that:-

(i) | Promotion of a civil servant on deputation to an international agency, foreign government or private organization abroad will only be considered after he resumes duty on return to Pakistan.

(it) | Such officers may be given timely intimation to return so that they can earn at least one annual confidential report before their cases come up for consideration in accordance with their seniority position.

(iti) If an officer returns, his case will be considered for promotion in the normal course. If he does not return in response to such intimation, his case will be deferred till he returns to Pakistan on completion of 5 years and earns a confidential report on his work for one full year after resuming duty. If approved for promotion, he will regain his original seniority.

4. Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However in all such cases, the officer's names will be removed from the existing seniority list and placed ona separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the seniority list only after he resumes duty on return. In such cases also the officer must earn a confidential report for one full year before he is considered for promotion. _ If approved for promotion he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge.

5. All Ministries/Divisions are requested to bring the above instructions to the notice of all civil servants already serving on deputation abroad and those allowed to proceed on deputation in future.

[Authority.- Estt. Division O.M.No.10 (3)/ 81-CP.I dated 25-6-1984].

SI. No. 81

Policy governing Civil servants on Deputation abroad. - The Cabinet in its meeting held on 17.4.1989 took the following decision on the summary submitted by Manpower and Overseas Pakistanis Division:-

"A maximum of 20% of Government servants in all grades will be allowed to take up overseas employment. For this purpose the Government servants would be required to leave their jobs and would not be allowed to retain lien on their appointments. This may be considered for appointment on their return, if vacancies in the relevant grades are available".

2. The deputation abroad covers the following categories:-

a) Deputation of officers from Government of Pakistan to a Foreign Government.

b) Deputation of officers from Government of Pakistan to International Organizations/Agencies; and

c) Employment of Government servants in private organizations/agencies at their own.

3. It is informed that officers coming under categories (a) & (b) at para 2 above would continue to be governed by the existing policy on the subject issued vide Establishment Division's O.M. No. 10/3/81.CP.1, dated 25.6.1984. The new policy will only apply to the cases covered by para 2 (c) /.e. Government servants who take up overseas employment in private organizations/agencies on their own, would have to leave their jobs without any lien on their appointments in Pakistan.

4. The decision contained in this O.M. will come into force with

immediate effect and will not effect the cases decided prior to its date of issue.

5. The above decision of the Cabinet may be widely circulated to all concerned.

[Authority.- Estt. Division O.M. No.1 (91)/89-T.IV, dated 17-5-1990].

SIZE OF FAMILY MEMBERS OF SERVING PERSONNEL SELECTED FOR SECONDMENT ABROAD

SI. No. 81-A

In continuation of this Division’s O.M. of even number dated August 23, 2000 on the above noted subject, it is stated that the competent authority has been pleased to approve the following amendment in the aforementioned O.M..:-

For: No part families will be permitted for secondment abroad.

Read: No part families will be permitted for secondment abroad, except families having non-dependent children i.e. boys enrolled/serving in the Armed Forces or pensionable Government jobs and girls married and living with their husbands

[Authority: Establishment Division’s O.M.No.5/1/2000-T.IV, dated 4-11-2000]

SI. No. 82

Please refer to the Establishment Division O.M. No. 10(3)/81 CP.|, dated 25th June, 1984 (SI. No. 80) regarding policy governing civil Servants on deputation abroad.

2. Till recently government servants on deputation to international organizations and foreign governments were required to

come back after spending five years of their deputation abroad. This policy has been reviewed and, in accordance with para 4 of the O.M. referred to above, government servants can stay abroad beyond 5 years under certain conditions. The relevant provision of the policy is reproduced below:-

"Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However in all such cases, the officer's name will be removed from the existing seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the seniority list only after he resumes duty on return. In such cases also the officer must earn a confidential report for one full year before he is considered for promotion. lf approved for promotion, he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge".

3. It is, therefore, requested that cases of government servants who wish to stay abroad beyond five years may kindly be processed accordingly.

[Authority.- Estt. Secretary's d.o. letter No.1/40/83-T.IV, dated 24-3-1985].

SI. No. 83

With reference to the Establishment Division Office Memorandum of even number dated 25-6-1984 (SI. No.80) it is stated that some civil servants serving abroad on deputation with various International Agencies, Foreign Governments or Private Organizations have complained that sufficient publicity has not been given to the policy contained in Establishment Division Office Memorandum under reference.

2. All Ministries/Divisions were requested vide para 5 of the Establishment Division's Office Memorandum dated 25-6-1984 to bring the instructions on the subject to the notice of civil servants already serving on deputation abroad and those allowed to proceed on deputation in future. This may please be ensured.

[Authority.- Estt. Division O.M. No.10(3)/81-CP.I(A). dated 19-5-1985].

SIZE OF FAMILY MEMBERS OF SERVING PERSONNEL SELCTED FOR SECONDMENT ABROAD

SI. No.83-A

Reference Ministry of Defence U.O.No.2/1/D- 17/2000/3519/Secy, dated April 24, 2000 and the Meeting of Joint Chief Staff Committee held on January 25, 2000, on the above subject and to say that the Competent Authority has been pleased to approve the following:-

1. Individuals already selected for secondment abroad on the process of departure and having more than 4 children be given an option to either proceed abroad without family or then manes be excluded from secondment (A certificate to be rendered to this effect by the selected individuals).

2. No part families will be permitted for sceondment abroad.

3. For uniform Government policy on the subject at national level, the decision would be implemented in all Government departments.

4. The decision of Joint Chief Staff Committee shall not apply to:-

a) offices of Pakistan Foreign Service, who shall be exempted from the above as an exception.

b) Government Servants on deputation/employment abroad with International © Organizations/Foreign Governments where no funds of Government Pakistan are involved.

[Authority: Establishment Division’s O.M.No.5/1/2000-T.IV, dated 23-8-2000]

SIZE OF FAMILY MEMBERS FOR SECONDMENT ABROAD

SI. No. 83-B

In continuation of this Division’s O.M. of even number dated 23-8- 2000 and 04-11-2000 on the above subject, it is stated that the competent authority has been pleased to approve the following:-

[a] The family of the official who proceeds abroad single, will be allowed to retain Government accommodation in Pakistan during the period of secondment abroad subject to the condition that the official will not have accommodation on Government expense at two stations i.e. in Pakistan as well as outside Pakistan; and

[b] There is no objection to the members of the families proceeding abroad at their own expense. However, no part families will be permitted.

2. These instructions may please be circulated for strict compliance.

[Authority: Establishment Division’s O.M.No.5/1/2000-T.IV(Z), dated 27-8-2001]

DEPUTATION OF DEFENCE OFFICERS IN CIVIL

SL. No.83-C

Reference to the instructions regarding above subject issued by the Defence Division vide their U.O.No.F.2/84/D-24/88, dated 23.12.2000 and F.2/33/D-24(C-IV)/88, dated 24.10.88 and to say that despite the above instructions there has been an increasing tendency of requisitioning services of officers of the Armed Forces by name. Ministries/Divisions are therefore requested that in future services of Armed Forces Officers in civil departments shall not be requisitioned by name. Further, for processing of cases of such nature in future, the following guidelines shall be observed:-

(i) | When services of personnel of the Armed Forces are required for posting against any civil post, the proposal to this effect shall be forwarded by the respective Ministry/Division to the Ministry of Defence indicating the post with BPS/pay and allowances job description and the period for which the services are required (copy of the same shall also be forwarded to the COS to the Chief Executive for information).

(ii) | Defence Division consultation with the concerned Services HQ and with the approval of the COAS shall forward the panel of officers of Armed Forces to the concerned Ministry/Division who will make selection of the most suitable officers and obtain approval of the competent authority for secondment of the officer with the civil departments.

(iii) On receipt of confirmation/approval from the borrowing Ministry/Division. Defence Division will convey the same to the concerned services HQ to allow the officers to join the respective Organization.

[Authority: Establishment Division’s O.M.No.1/99/2000-CP-6, dated 10-01-2001]

CHAPTER IV

TERMINATION OF SERVICES, REVERSION TO LOWER GRADE/POST, RESIGNATION AND DESERTION FROM

DUTY)

TERMINATION OF SERVICES, REVERSION TO LOWER SCALE/POST, RESIGNATION AND DESERTION FROM DUTY

Termination of Services SI. No. 1

C.S.R. 436. Notice of discharge on the abolition of post to permanent employees.- Reasonable notice should be given to an officer in permanent employ before his services are dispensed with on the abolition of his office. If, in any case, notice of at least three months is not given, and the officer has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with the officer's services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him, in addition to the pension to which he may be entitled under ‘these regulations; but the pension shall not be payable for the period in respect of which he receives a gratuity in lieu of notice.

1. The gratuity prescribed in this Article is not granted as compensation for loss of employment but only in lieu of notice of discharge with a view to mitigate the hardship caused an officer by the sudden loss of employment. When, therefore, an officer discharged without notice is provided with some other employment on the date on which his services are dispensed with whether that re-employment be in qualifying or non-qualifying service, he is not entitled to any gratuity.

2. Unless it contains an express statement to the contrary, an order for the abolition of an officer or appointment shall not be brought into operation till the expiry of three months after notice has been given to the officers whose services are to be dispensed with on such abolition. The immediate head of the office or the department will be held responsible that there is no necessary delay in giving such notice. In the case of an officer on leave, the order shall not be brought into

operation until the leave expires.

“Added vide Finance Division Notification No.D.203-RSII/69 dated 24-4-1969

NOTE.-"Emoluments" in this rule means the emoluments or leave allowances (or partly the one partly the other) which the officer would be receiving during the period in question had the notice not been given to him.

CSR 436-A. Whenever it is found necessary to determine the service of an officer serving under a contract within the period of his agreement, a specific intimation of the determination of the agreement and of the grounds on which it has been determined shall be furnished to the officer in writing.

SI. No. 2

Termination of service of temporary Government Servants.-A Civil Servant is not necessarily in temporary employment merely because of a statement in the order of appointment that his appointment will be purely temporary and liable to termination at any time without any notice or reasons being assigned. No civil servant is a temporary employee as long as the employment is for an indefinite period or against a post which continues to exist for an indefinite period. It is extremely difficult to attribute to the legislature an intention to clothe the authorities concerned with arbitrary powers of terminating the services of a civil servant in their discretion without assigning any reason. The courts have always been reluctant to interpret these provisions in a manner as would justify the externment of an employee without any justification.

2. Further after the enactment of Civil Servants Act, 1973, the services of a civil Servant can either be terminated under Section 11 of the Act or under Government Servants (E&D) Rules, 1973. It is not possible to spell out any power to terminate the services of an employee without notice and without assigning any reason from the provision of sub section (3) of Section 11 of Civil Servants Act, 1973,

especially in the presence of the provisions of sub-section (1) thereof regarding termination of service during the initial or extended period of probation. If an employee has passed through the period of probation to the satisfaction of the competent authority, he is no longer a temporary employee within the meanings of sub-section (3) if his employment is for an indefinite period or against a post which continues to exist for an indefinite period.

3. In the light of the above advice of the Justice Division services of an employee can no more be terminated without notice and without assigning reason.

[Authority.- Extract from Estt. Division O.M.No. 31/64-86-R-3 dated 20-4-1987]. SI. No. 3

Termination of services of officers employed on contract.- It has been decided by the Government that officers employed on contract normally be given 3 months' notice clause in the contract.

2. All concerned are, therefore, requested to keep in view the above decision when appointing an officer on contract and to stipulate in the agreement that the services of the officer employed on contract may be terminated on 3 month's notice on either side even before expiry of the period of the contract.

[Authority.- Estt. Division O.M.No. 13/2/66-D.I. dated 27-6-1966]. Reversion to lower grade/post SI. No. 4

Fundamental Rule 29.-lf a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or toa lower stage in his time-scale the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so, to what extent.

Auditor General's Decision.-Having regard to the principle

underlying Fundamental Rule 29, the question as to whether an increment falling due during the period of reduction should or should not be allowed is one necessarily to be decided with reference to the exact terms of the orders of the punishing authority. If the Audit Officer feels any doubt about the intention underlying the orders of the punishing authority, he has simply to ascertain it and act accordingly.

[Authority.- A. G's letter U.0. No. 917/308-42, dated 19-12-1942].

Government Decision.-It has been noted that the Government Servants (E&D) Rules do not require an authority to specify the period for which any penalty mentioned in Rule 4 (1) shall be effective, although according to Fundamental Rule 29 it is imperative for him to do so. To resolve this apparent discrepancy between the two rules, it is decided that in imposing a penalty under Rule 4 (1) of G S (E&D) Rules care should be taken to see that such an imposition is for a specified period and it should be stated whether, on restoration, it shall operate to postpone future increments and if so to what extent in order to make it in conformity with Fundamental Rule 29.

[Authority.- Estt. Division O.M.No. 2/3/65-Dl, dated 7-8-1965].

SI. No. 5

Reversion from selection __posts.-The views of Ministries/Divisions were invited on the following points:-

(a) ‘A’ was appointed to officiate in a selection post after having been formally selected from amongst various possible candidates, from which he reverted after the expiry of the period of the vacancy. During this period his work was satisfactory. Subsequently, another vacancy occurred in the same grade. Should “A’ be appointed to this vacancy automatically (by virtue of his previous selection) or fresh selection be made.

(b) Whether reversions from or confirmations in selection posts should follow the order in which the persons concerned were promoted to the posts in question (i.e. the candidates first appointed to officiate in the selection post should be confirmed when a permanent vacancy occurs and the candidate last appointed to officiate reverted when a vacancy terminates), or fresh selection should be made from amongst persons officiating in the selection posts each time a permanent vacancy occurs or a vacancy terminates.

The question has been considered in the light of the replies received from Ministries and the opinion of the Federal Public Service Commission, and the following instructions are issued.

2. As regards (a), in accordance with the instructions contained in the Establishment Division Office Memoranda No. F. 33/l/47-Ests. (SEII), dated the 29th January, 1948 and No.33/49-SE, dated the 18th June, 1949 (SI.No.169, Chapter Il) Departmental Promotion Committees are required to prepare a list of officers whom they consider fit for promotion in selection posts. This list, which should be revised periodically, should indicate the names of officers who have not been promoted to a higher grade in any capacity, or who have officiated off and on or are officiating against any leave vacancies, or any temporary posts of short duration, and are, therefore, liable to revert in the normal course to the lower grade. The position would thus be that, if "A" is appointed on the recommendations of the Departmental Promotion Committee to a Selection post for a short period, after which he reverts to the lower grade, for no fault of his own, he should be promoted automatically by the appointing authority in the next vacancy that arises if the list is not revised by the Departmental Promotion Committee before the material vacancy arises, or, if the list has in the meantime been revised his position still remains No. 1 on the revised list. In other words, there should be no question of selection when a vacancy occurs ; the vacancy should be filled by the promotion of the official who tops the list prepared by the Departmental Promotion Committee and which is in force at the time when the vacancy is filled.

3. As regards (b), reversions should be made in the reverse order of promotion, and confirmations should follow the order of seniority in the grade concerned. In other words, there should be no fresh selection either for the purpose of reversion or for confirmations.

4. While the list of officials recommended by the Departmental Promotion Committee for promotion to selection posts is being prepared, the claims of all officials eligible for promotion to the grade concerned, including those who happen to be absent from the office for one reason or the other, should be duly considered, and it should be recorded on the file that this has been done.

[Authority.- Cabinet Secretariat, Estt. Branch O.M.No.54/10/51-ME, dated 31-8-1951].

SI. No. 6

Reversion to Parent Group/Cadre .- Instances have come to the notice of the Establishment Division where officers inducted into the Secretariat Group have asked for reversion to their original Group. This defeats the purpose of horizontal movement which was envisaged under the Administrative Reforms to ensure a_ fair representation of officers with varied experience at policy making levels in the Federal Government. It has, therefore, been decided that officers inducted into an Occupational Group with their consent will not in future be allowed to opt out.

2. However officers of the Secretariat Group can be posted to other groups for exigencies of service and in public interest.

[Authority.- Estt. Division O.M. No.7(3)76-AV, dated 4-6-1980].

SI. No. 7

Reversion of ad hoc appointees.- Ad hoc appointees cannot be promoted to higher grade vide Establishment Division O.M. No. 3/29/70-D. Ill, dated the 7th January, 1971 (Annexure to SI.No.94, Chapter Il). The question of determination of the seniority of the ad hoc appointees for purposes of promotion, therefore, does not arise. However, sometimes the question which does arise is as to which one of the several ad hoc appointees should be reverted when the F.P.S.C. qualified candidates become available. It has been decided that reversion should be made in the reverse order of ad hoc appointments. However, when the date of ad hoc appointment of more than one officer is one and the same, the reversion should be made in the reverse order of the seniority in the lower grade if available, otherwise the younger in age should revert first. Reversion, for the purposes of this O.M., includes termination of service where the ad hoc appointee was recruited directly from outside.

[Authority.- Estt. Division O.M.No.1/8/72-DIll, dated 4-5-1972]. SI. No. 8

Departmental Promotion Committee not concerned with demotions/reversions.-lIt appears from references made recently to the Establishment Division that the scope and functions of Departmental Promotion Committees are not clearly understood. In certain cases Government servants officiating without any condition in higher grades have been demoted on the recommendation of Departmental Promotion Committees. It is necessary, therefore, that the position should be clarified.

2. As their name indicates, the function of Departmental Promotion Committee is to make recommendations in respect of promotions and there is nothing in Establishment Division Office

Memorandum No. 33/l/47-Ests. (SEIl), dated the 29th January, 1948 which relates to the constitution of these Committees, to suggest that these Committees have been given the power to recommend the demotion of an officiating officer.

3. What Departmental Promotion Committees should do is to prepare a list of officers whom they consider fit for promotion. They should revise this list periodically which means that they can either add to, or subtract from it. An officer who has been substantively promoted to a higher grade will not of course figure in this list. Similarly, an officer who has been promoted to officiate in a substantive vacancy for an indefinite period should not appear in the list because he is for all practical purposes to continue in the higher grade. In other words, the officers whose names will be shown in the list maintained by these Committees will be those who have not been promoted to a higher grade in any capacity or who have officiated off and on or who are officiating against leave vacancies or in temporary posts of short duration and are, therefore, liable to revert in the normal course to the lower grade.

[Authority.- Cabinet Secretariat, Estt. Branch O.M.No.F.33/49-SE, dated 18-6-1949].

"Rules 2(d) of the Civil Servants (Appointment, Promotion and Transfer) rules, 1973 framed under the Civil Servants Act, 1973 contain a definition of the Term "Departmental Promotion Committee".

Resignation from Government service SI. No. 9

Resignation of permanent Government servants.-A question has been raised whether the undertaking given by a temporary Government servant at the time of his entering service, that he shall give one month's notice of his intention to resign or in default forfeit to Government a sum not exceeding one month's pay, remains binding on that employee or lapses from the time he is confirmed. It is stated

that the undertaking of the kind mentioned above lapses when the persons concerned become permanent, as notice is not provided for in the case of permanent Government servants.

2. The position regarding permanent Government servants is different. “Permanent service’ is the result of a bilateral contract for the termination of which the consent of both the employer and the employees is necessary. If a permanent Government servant tenders his resignation, he continues to be in service until the resignation is accepted, for the reason that, for the cancellation of the contract of service, the consent of the other party is also necessary. Till his resignation is accepted, the employee continues to be in the employment of the employer and, if he absents himself from duty, he incurs a penalty prescribed for such default which may be dismissal in certain cases. A permanent Government servant, therefore, continues to remain in service till his resignation is accepted.

[Authority.- Cabinet Secretariat, Estt.Branch O.M.No.13/3/49-Ests.(SE),dated 17-5-1949].

SI. No. 10

Acceptance of resignation during pendency of disciplinary proceedings.- The instructions contained in the Establishment Division Office Memorandum No. 5/3-A/52-ME, dated the 6th January, 1953 (Annexure) can be interpreted to mean that the resignation of a Government servant whose conduct is under enquiry can be accepted and the orders of dismissal or discharge can be passed in due course. The legal position, however, is that any orders of dismissal or discharge passed after retirement or resignation will be void, and inoperative on the ground that the person concerned does not remain in service as soon as his resignation has been accepted. The instructions contained in the Office Memorandum, dated the 6th January, 1953 have, therefore, been considered further by the Establishment Division in consultation with the Ministry of Law and the

following clarification is issued for the guidance of the Ministries, etc:-

(a)

(b)

(c) (d)

(e) (f)

(9)

(h)

Service of a temporary Government servant who has signed the undertaking can be terminated by the Government on 14 days' notice.

If such a Government servant wants to terminate his employment, he should submit his resignation.

The employer may or may not accept his resignation.

If his resignation is not accepted on any ground, including the ground of disciplinary action outstanding against him, he continues to be in service inspite of his having given 14 days' notice of his intention to do so.

He should not absent himself from office without leave.

If his resignation is accepted, he does not continue his service, and his presence in office should not be insisted upon.

In the event of his resignation having been accepted the disciplinary action standing against him, should not be proceeded with as he cannot be punished for the reason that he does not continue in service.

The undertaking prescribed for temporary employees does not reserve any right in a temporary Government servant to terminate his employment by mere notice. He has to resign his post on the expiry of the notice and the resignation does not become effective unless it is accepted by Government.

[Authority.- Estt. Division O.M. No. 1/34/57-ME, dated 12-11-1957 read with

O.M. No.1/3/57-ME, dated 9-5-1958].

ANNEXURE

Copy of Establishment Division O.M. No. 5/3-A/52-ME, dated the 6th January, 1953.

A question arose whether temporary employees who have signed the prescribed undertaking should be allowed to resign if disciplinary proceedings are pending against them. It has been decided, in consultation with the Ministry of Law, that if such a Government servant gives the prescribed notice of his intention to resign or forfeit his pay to the President in lieu thereof, his continuance in service should not be insisted upon. The person concerned should, therefore, be relieved of his duties but the departmental proceedings against him may be continued if considered necessary and formal orders passed.

SI. No. 11

Withdrawal of resignation by Government servants.-The question whether resignation once tendered by a Government servant before completion of 25 years qualifying service may be allowed to be withdrawn before or after its acceptance by the competent authority has been under consideration in the Establishment Division.

2. The following decisions have been taken in consultation with the Ministry of Finance:-

(i) Withdrawal of resignation before acceptance.-In case Government servant withdraws resignation before it is accepted by the competent authority, the resignation should be deemed to have been withdrawn.

(ii) Withdrawal of resignation after its acceptance but

before it becomes effective (i.e. before the Government servant concerned is relieved).-It should be opened to the authority accepting the resignation to allow the Government servant concerned to withdraw the resignation on the merits of the case.

[Authority.- Estt. Division O.M. No. 8/13/69-F.1, dated 30-1-1970 read with Estt. Division O.M.No.6/9/79-D.|., dated 19-6-1979]

SI. No. 12

It has been observed that proposals for acceptance of resignation of officers of Grade-17 and above received in the Establishment Division for submission to the competent authority are not accompanied by the original letter of resignation sent by the officer concerned. This requires a reference back to the Ministries/Divisions for obtaining the letter of resignation. All Ministries/ Divisions are, therefore, requested to please ensure that the letter of resignation of the officer in original invariably forwarded alongwith the Summary for acceptance by the competent authority.

2. Besides, the Summary should contain information on the following points:-

(i) Whether any dues are recoverable from the officer.

(ii) Whether any disciplinary proceedings are pending or are contemplated against him.

(iti) Whether the officer concerned is required to serve the Government for any specified period in accordance with the terms and conditions of his appointment. If so, whether that period has expired. If it has not expired, whether any money

spent on his training etc, are recoverable in accordance with any rule or bond executed by him.

[Authority.- Estt. Division O.M. No.1/11/80-D.1I., dated 13-2-1980]. SI. No. 13

Resignation of temporary Government servants.-Sub-section (3) of section 11 of the Civil Servants Act, 1973 makes the services of a civil servant subject to the provision of sub-section (2) liable to termination on fourteen days' notice or pay in lieu thereof. Cases have come to the notice of the Establishment Division in which a civil servant who intends to resign from service gives 14 days' notice or deposits 14 days' pay in lieu thereof. After expiry of the notice period or having deposited 14 days' pay in lieu thereof he absent himself from office without waiting for acceptance of his resignation. This is against the rules. There is no provision in the Civil Servants Act, 1973 whereunder a civil servant whether permanent or temporary who wants to terminate his employment is required to give or can give 14 days' notice or forfeit his pay to Government in lieu thereof.

2. A civil servant, permanent or temporary, who wishes to terminate his appointment should submit his resignation in writing. The resignation shall not become effective unless it is accepted to the competent authority. Till such time the resignation is accepted, the civil servant concerned continues to be in service and cannot absent himself from his duties without proper leave. The position in this regard is already explained in the Establishment Division's O.M. No. 1/34/57-MS, dated the 12th November, 1957, read with O.M. of even number dated the 9th May, 1958.

[Authority.- Estt. Division O.M.No.6/3/81-RI(Dl), dated 26-7-1981]. SI. No. 14

Reference Establishment Division's O.M. No. 6/3/81- R.I(D-1),

dated the 26th July, 1981, cases are still being received in the Establishment Division where a civil servant who intends to resign from service gives fourteen days' notice, is relieved of his duties by the Ministry/Division/Department after expiry of the notice period or having deposited fourteen days' pay in lieu thereof. Thereafter his case is recommended to the competent authority for acceptance of his resignation with retrospective effect.

2. As already explained in the Establishment Division's aforementioned O.M. there is no provision in the Civil Servants Act, 1973 whereunder a civil servant, who wants to terminate his employment is required to give 14 days' notice or forfeit his pay to Government in lieu thereof and absent himself from duty. The correct position is that a civil servant who wishes to terminate his appointment has to submit his resignation in writing and has to continue in service till his resignation is accepted by the competent authority. He can neither absent himself from his duties without proper leave nor it is desirable to relieve him before acceptance of his resignation. On receipt of the resignation, Ministry/ Division/Department concerned should forward it immediately to the competent authority and also ask the civil servant concerned to wait until his resignation is accepted.

[Authority.- Estt. Division O.M.No.6/3/81-RI, dated 13-2-1982].

SI. No. 15

Attention is invited to the Establishment Division's O.M. No.1/11/80-D.1, dated the 13th February, 1980 (SI. No.12) and it is stated that inspite of instructions contained therein, the Ministries/Divisions have been sending proposals for acceptance of resignation of officers to the Establishment Division which are not self-contained. The proposals are neither sent in the form of a Summary nor are accompanied by the original letter of resignation of the officer. A number of such references also do not give the information as required in para 2 of the aforesaid O.M. This requires

back reference to the Ministry/Division concerned causing delay in the disposal of the case. The Ministries/ Divisions are, therefore, requested to submit, in future, the cases of resignation strictly in accordance with the instructions contained in the Establishment Division's O.M. quoted above and may also keep in view the orders contained in O.M. No. 6/3/81-R.I, dated the 13th February, 1982 (SI.No. 14).

[Authority.- Estt. Division O.M. No. 15/11/84-R.2, dated 28-5-1984].

SI. No. 16

Procedure for processing of Cases of resignation of Officers.-The Ministries/Divisions have been sending proposals for acceptance of resignation of officers to the Establishment Division after the officers have been relieved of their duties. In most of the cases it has come to the notice of Establishment Division that government servants usually tender resignation from government service on 14 days notice or forfeit pay in lieu thereof and absent themselves from duties without waiting for the acceptance of their resignations by the competent authority. If a person has submitted resignation from service he continues to be in service, inspite of his having given 14 days notice, till his resignation is accepted by the competent authority. If he absents himself from duty he is liable to be proceeded against under the Efficiency and Discipline Rules, 1973 which may also result in dismissal from government service.

2. Ministries/Divisions are, therefore, requested to forward the cases for acceptance of resignation to the Establishment Division well in time and should not relieve the resigning officer from his duties till his resignation from service is accepted by the competent authority.

[Authority.- Estt. Division O.M. No. 15/6/85-R.2 dated 3-3-1986].

SI. No. 17

Absence from duty without leave .- Cases have come to notice where Government servants have applied for leave, but before the leave was sanctioned, have absented themselves from duty and left their station without permission, while Government dues were payable by them on various accounts. In some cases, Government servants have proceeded on short leave, and subsequently applied for extension of leave, which was not granted, whereupon they have resigned their appointments without clearing the Government dues outstanding against them. Such behaviour on the part of Government servants is not only undesirable but also contravenes the provisions of the Pakistan Essential Service (Maintenance) Act, 1952, which makes all employment under Government an essential service. If any Government servant, without reasonable excuse, abandons his employment or absents himself from work, he Is liable to conviction to be punished with imprisonment and fine vide section 5 and 7 of the Act.

2. It is, therefore, requested that the attention of all Government servants may kindly be drawn to the provisions of the Act and they may be warned that any contravention of the Act renders them liable to prosecution. A number of prosecutions have already been instituted in the court and others are in contemplation.

[Authority.- Estt. Division O.M. No. 11/1/60 E.V., dated 22-10-1960].

REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000 AND ANCILLARY INSTRUCTIONS

Ordinance No. XVII of 2000

SI. No. 18:

An ordinance to provide for dismissal, removal, compulsory retirement from service and reduction to lower post or pay scale of certain persons from Government service and corporation service;

WHEREAS in view of prevailing circumstances it is expedient and necessary and in the public interest and further for good governance to provide for measures, inter alia, dismissal, removal etc., of certain persons from Government service and corporation service as hereinafter stated;

AND WHEREAS it is necessary to provide for speedy disposal of such cases and for matters connected therewith or ancillary thereto;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, as well as Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short _ title, extent, commencement and _— application.— (1). This Ordinance may be called the Removal from Service (Special Powers) Ordinance, 2000.

(2). It extends to the whole of Pakistan.

(3). It shall come into force at once.

(4).

service.

It shall apply to persons in Government service and corporation

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context—

(a)

| kkk kk];

**[(aa)]"Ccompetent authority" means the *[Prime Minister] and where, in

(b)

(c)

relation to any person or class or persons, the *[Prime Minister] authorizes any officer or authority, not being inferior in rank to the appointing authority prescribed for the post held by the person against whom action is proposed to be taken, to exercise the powers of competent authority under this Ordinance, that officer or authority, and in relation to an employee of a Court or Tribunal functioning under the Federal Government, the appointing authority or the Chairman or Presiding Officer of the Court or the Tribunal.

"misconduct" includes conduct prejudicial to good order or service discipline or conduct unbecoming of an officer and a gentleman or involvement or participation for gain either directly or indirectly in industry, trade or speculative transactions or abuse or misuse of the official position to gain undue advantage or assumption of financial or other obligations to private institutions or persons such as may cause embarrassment in the performance of official duties or functions;

"person in corporation service" means every person in the employment of a corporation, corporate body, authority, statutory body or other organizations or institutions set up, established, owned, managed or controlled by the Federal Government, or by or under any law for the time being in force or a body or organization in which the Federal Government has a controlling share or interest and includes the Chairman and the Managing Director, and the holder of any other office therein; and

*Omitted and subs. vide Removal from Service (Special Powers) (Amendment) Ordinance No.1 of 2003.
**Added and renumbered vide Removal from Service (Special Powers) (Amendment) Ordinance No.V of 2001.

(d)

"person in Government service" includes every person who is a member of an All-Pakistan Service or of a Civil Service of the Federation or who holds a civil post in connection with the affairs of the Federation or any employees serving in any Court or Tribunal set up or established by the Federal Government but does not include a Judge of the Supreme Court or of a High Court or Federal Shariat Court or any Court subordinate to the High Court, or any employee thereof.

3. *[Dismissal, removal and compulsory retirement etc.] of certain persons in Government or corporation service etc.—- (1) Where, in the opinion of the competent authority, a person in Government or corporation

service, is—

(a)

(b)

(c)

inefficient, or has ceased to be efficient for any reason; or *[or is guilty of being habitually absent from duty without prior approval of leave; or].

guilty of misconduct; or

corrupt, or may reasonably be considered as corrupt, because—

(i) he or any of his dependents or any other person, through him or on his behalf, is in possession of pecuniary *[Source] or of property, for which he cannot reasonably account for, and which are disproportionate to his known resources of income; or

(ii) | he has assumed a style of living beyond his known sources of income; or

(iii) | he has a persistent reputation of being corrupt; or

**T(iv) he has entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or]

*Subs. and added vide Ordinance V of 2001. **Added ibid (w.e.f. 27.5.2000)

(d) engaged, or is reasonably believed to be engaged, in subversive activities, and his retention in service is prejudicial to national security or he is guilty of disclosure of official secrets to any unauthorized person; or

(e) found to have been appointed or promoted on extraneous grounds in violation of law and the relevant rules.

the competent authority, after inquiry by the *[Inquiry Officer or the Inquiry Committee appointed] under section 5, may, notwith-standing anything contained in any law or the terms and conditions of service of such person, by order in **/writing] dismiss or remove such person from service, compulsorily retire from service or reduce him to lower post or pay scale, or impose one or more minor penalties as prescribed in the Government Servants (Efficiency & Discipline) Rules, 1973.

**((2). Before passing an order under sub-section (1), the competent authority shall,—

(a) _ by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and

(b) give him a reasonable opportunity of showing cause against that action within seven days or within such extended period as the competent authority may determine;

Provided that no such opportunity shall be given where the competent authority is satisfied that in the interest of security of Pakistan or any part thereof

it is not expedient to give such opportunity:

Provided further that no such opportunity shall be given where the accused is dismissed ***[under clause (a) of sub- section(2) of section(3)(a)] or where the competent authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to give the accused an opportunity of showing cause.

*Subs. vide Ordinance No. XXIX of 2001. **Subs. vide Ordinance No. V of 2001. ***Subs. vide Ordinance No. CVI of 2002.

(3) The dismissal or removal or premature retirement from service or reduction to lower post or pay scale of a person under sub-section (1) shall not absolve such person from liability to any punishment to which he may be liable for an offence under any law committed by him while in service].

*[3A. Procedure in case of conviction by a court of law.— (1) Where a person in Government service or in Corporation Service on conviction by a court of law is sentenced to imprisonment or fine, the competent authority shall examine the facts and the grounds on which the order convicting such person was passed by a court of law.

(2) Where on examination the competent authority finds that order of imprisonment or fine is based on—

(a) establishment charges of corruption or moral turpitude it shall pass order of dismissal from service of the delinquent person in Government service or in corporation service to be effective from the date of his conviction by a court of law; and

(b) charges other than corruption or moral turpitude it may, in the light of the facts and circumstances of the case, decide as to whether it is a fit case for taking departmental action under this Ordinance and if it so decides it may, subject to the provisions of sub-section (2) of section 3, impose any penalty authorized by this Ordinance as it may deem fit in the circumstances of the case].

4. Suspension.-A person against whom action is proposed to be taken under sub-section (1) of Section 3 may be placed under suspension with immediate effect if, in the opinion of the competent authority, suspension is necessary or expedient:

Provided that the competent authority may, in an appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him from such date as may be specified by the competent authority.

*Ins. vide Ordinance No. CVI of 2002.

*[5. Power to appoint an Inquiry Officer or Inquiry Committee.—(l) Subject to the provisions of sub-section (2), the competent authority shall, before passing an order under section 3, appoint an Inquiry Officer or Inquiry Committee to scrutinize the conduct of a person in Government service or a person in corporation service who is alleged to have committed any of the acts or omissions specified in section 3. The Inquiry Officer or, as the case may be, the Inquiry Committee shall—

(a) communicate to the accused the charges and statement of allegations specified in the order of inquiry passed by the competent authority;

(b) require the accused within seven days from the day the charge is communicated to him to put in a written defence;

(c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross- examine the witnesses against him; and

(d) hear the case from day to day and no adjournment shall be given except for special reasons to be recorded in writing and intimated to the competent authority.

(2) Where the Inquiry Officer or as the case may be, the Inquiry Committee is satisfied that the accused is hampering, or attempting to hamper, the progress of the inquiry he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he, or it, deems proper in the interest of justice.

(3) The Inquiry Officer or, as the case may be, the Inquiry Committee shall submit his, or its, findings and recommendations to the competent authority within twenty-five days of the initiation of inquiry.

(4) The competent authority may dispense with the inquiry under sub-section (1) if it is in possession of sufficient documentary evidence against the accused, or for reasons to be recorded in writing, it is satisfied that there is no need of holding an inquiry.

*Subs. vide Ordinance No.V of 2001 w.e.f. 27-5-2000.

(5) Where a person who has entered into plea bargaining under any law for the time being in force, and has returned the assets or gains acquired through corruption or corrupt practices voluntarily, the inquiry shall not be ordered:

Provided that show cause notice shall be issued on the basis of such plea bargaining to such person informing of the action proposed to be taken against him and the grounds of such action requiring him to submit reply within fifteen days of the receipt of the notice. On receipt of the reply, the competent authority may pass such orders as it may deem fit].

6. Powers of the *[Inquiry Officer or] Inquiry Committee.— The *[Inquiry Officer or] Inquiry Committee shall have power —

(a) to summon and enforce attendance of any person and examine him on oath;

(b) to require the discovery and production of any document;

(c) to receive evidence on affidavits; and (d) to record evidence.

7. Procedure to be followed by the *[Inquiry Officer or] Inquiry Committee.—The *[Inquiry Officer or] Inquiry Committee shall, subject to any rules made under this Ordinance, have power to regulate its own procedure *[for] the fixing of place and time of its sitting and deciding whether to sit in public or in private, and in the case of corporate Committee, to act notwithstanding the temporary absence of any of its members.

8. Order to be passed upon a finding.—Every finding recorded by the *[Inquiry Officer or, as the case may be] Inquiry Committee under section 5 shall, with the recommendation provided for in that section, be submitted to the competent authority and the competent authority may pass such orders thereon as it may deem proper in accordance of the provisions of this Ordinance.

9. **[Representation.—(1) A person on whom a penalty is imposed under section 3, may, within fifteen days from the date of communi-cation of the order prefer a representation to the ***[Prime Minister] for such officer or authority as the ***[Prime Minister] may designate:

Provided that where the order has been made by the ***[Prime Minister] such person may, within the aforesaid period, submit a representation to the President.

*Ins and subs vide Ordinance No. V of 2001. **Subs vide Removal from Service (Special Powers)(Second Amendment) Ordinance No.XXXIl of 2002. ***Subs vide Removal from Service (Special Powers) (Amendment) Ordinance No.1 of 2003.

(2) The President, the *[Prime Minister], or an officer or authority, as may be designated for the purpose by the *[Prime Minister], may, on consideration of the representation, and any other relevant material, confirm, set aside, vary or modify the order in respect of which such representation is made].

10. Appeal.— Notwithstanding anything contained in any other law for the time being in force, any person aggrieved by any final order under section 9 may, within thirty days of the order, prefer an appeal to the Federal Service Tribunal established under the Service Tribunals Act, 1973 (LXX of 1973) **[:]

[Provided that where a representation *[. « «] has been preferred under section 9 but no decision has been received by, or communicated to, the

applicant or, as the case may be, petitioner, within a period of sixty days of its submission to the prescribed authority, he may prefer appeal to the Service Tribunal within thirty days of the expiry of the aforesaid period].

11. Ordinance to override other laws.—The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Civil Servants Act, 1973 (LXXI of 1973), and the rules made thereunder and any other law for time being in force.

12. Proceedings under this Ordinance.—All proceedings initiated on the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance and rules made thereunder °[:]

®[Provided that the Federal Government may, by notification in the official gazette, exempt any class or classes of employees of a Corporation, a corporate body, authority, statutory body or other organization or institution set up, established, owned, managed or controlled by it or a body or organization in which it has a controlling share or interest from the provisions of this Ordinance and such class or classes of employees shall, notwithstanding anything contained in this Ordinance, be proceeded against and dealt with under the laws and rules applicable to such employees before the commencement to this Ordinance.]

*Subs vide Removal from Service (Special Powers) (Amendment) Ordinance No.1 of 2003. **Added vide Ordinance No.XIX of 2002.

***The words ‘or review petition’ omitted vide Ordinance No.XXxXiIll of 2002.

@Subs and added vide Ordinance No.XXIX of 2001.

13. Pending proceedings to continue.—For the removal of doubts, it is hereby provided that all proceedings pending immediately before the commencement of this Ordinance against any person whether in Government service or corporation service under the Civil Servants Act, 1973 (LXXI of 1973) and rules made thereunder, or any other law or rules, shall continue under the said laws and rules, and as provided thereunder.

14. Pensionary benefits, etc.—Notwithstanding anything contained

in this Ordinance the payment of pension or other benefits to a person retired or reduced to a lower post or pay scale under this Ordinance shall, if admissible, be regulated in accordance with the law for the time being in force relating thereto.

*[14A. Indemnity.—No suit, prosecution or other legal proceedings shall lie against the competent authority or an officer or authority authorized by it for any thing which is in good faith done or intended to be done under this Ordinance or the rules, instructions or directions made or issued thereunder.

14B. Jurisdiction barred.—Save as provided under this Ordinance, no order made or proceedings taken under this Ordinance, or the rules made thereunder by the competent authority or any officer or authority authorized by it shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made or proceedings taken in pursuance of any power conferred by, or under, this Ordinance, or the rules made thereunder].

15. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

16.Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Ordinance, the President may make such Order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing the difficulty.

MUHAMMAD RAFIQ TARAR, President.

*Added vide Removal from Service (Special Power) (Amendment) Ordinance No.LXII of 2001, dated 7.11.2001.

Delegation of Powers

SI. No. 19:

In exercise of the powers conferred by section 2(a) of the Removal from Service (Special Powers) Ordinance, 2000, Chief Executive has authorized the officers shown in column (3) of the following tables to exercise the powers of the competent authority under section 3 of the said Ordinance in respect of class of persons shown in column (2) of the tables.

TABLE No.|

For persons employed in the Federal Secretariat or serving in a post, or belonging to a service, group or cadre, administratively controlled by a Ministry or Division.

S.No. Class of Persons Officer authorized to exercise the powers of competent authority 1 2 3 1. Holders of posts in BS-20 | *Prime Minister. and above. 2. Holders of posts in | Secretary of the concerned Ministry/ BS-16 — 19. Division. 3. Holders of posts in An officer not below the appointing BS-1 — 15. authority to be notified by the Secretary of the Ministry/Division concerned.

**[“Explanation.— For the purpose of this notification, “Secretary of the concerned Ministry or Division” means the Secretary of the Ministry or Division which administratively controls the post, service, group or cadre to which a government servant belongs’].

*Subs. vide Ordinance No.1 of 2003 **Added vide Establishment Division Notification SRO No.411(l)/2000, dated 17-6-2000.

*[TABLE No.II

For persons employed in an Attached Department or a

Subordinate Office of the Federal Government.

S.No. Class of Persons Officer authorized to exercise the powers of competent authority 1 2 3 1. Holders of posts in BS-20 and above. | Prime Minister. 2. Holders of posts in | Secretary of the Ministry/Division concerned. BS-17 - 19. 3. Holders of posts in BS-16. Head of Department or Head of Subordinate Office. 4. Holders of post in BS 1 — 15. An officer not below the appointing authority to be authorized by the Head of Department or Head of Subordinate Office]. TABLE No. III For Persons in Corporation Service. S.No. Class of Persons Officer authorized to exercise the powers of competent authority 1 2 3 1. Holders of posts in BS-20 and above | Prime Minister. and equivalent. 2: Holders of posts in | Managing Director/Chief Executive Officer of BS-16 — 19 and equivalent. the Organization by whatever name called. 3. Holders of post in BS 1 — 15 and | An officer not below the appointing authority to

equivalent.

be authorized by the Prime Minister Officer of the Organization.

*Subs. vide Establishment Division Notification S.R.O.No.411(1)/2000, dated 17-6-2002.

*[2. The Prime Minister has also authorized the Secretary of the concerned Ministry or Division to exercise under section 4 of the aforesaid Ordinance the powers to place a BPS-20 and above and equivalent officer under suspension for such period as he may consider appropriate].

[Authority.—Establishment Division Notification SRO No.281(1)/2000, dated 27-5-2000].

SI. No. 20:

In exercise of the powers conferred by clause (a) of section 2 of the Removal from Service (Special Powers) Ordinance, 2000 (XVII. of 2000), read with section 4 thereof, the Chief Executive of Pakistan is pleased to authorize the Auditor-General of Pakistan to exercise the powers of competent authority:—

(a) under section 3 of the said Ordinance in respect of departmental and _ interdepartmental officers of the Accounts Group in Basic Pay Scale 17 to 19; and

(b) under section 4 of the said Ordinance the powers to place a BPS-20 and above officer of the Accounts Groups under suspension for such period as he may consider appropriate.

[Authority.—Establishment Division Notification SRO No.563(1)/2000, dated 15-8-2000]. SI. No.21:

In exercise of the powers conferred by clause (a) of section 2 of the Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000), the Chief Executive of Pakistan is pleased to authorize the officer of the Intelligence Bureau specified in column (4) of the table below to be

the competent authority in respect of the employees of the said Bureau

serving in basic pay scales specified in column (3) working in offices specified in

of that table, and

*Subs vide Establishment Division Notification SRO No.411(I)/2000, dated 17-6-2000.

column (2) thereof:

TABLE Sl. Name of office Basic Pay | Officers authorized to exercise the No. scale of | powers of competent authority employees (1) (2) (3) (4) 1. |.B.HQ/Prov.HQs & NR, HQ, all | BPS 16-19 Director General, IB. of their Field Units IB Academy and ICT Office. 2. 1.B. HQ, Islamabad. BPS 1-15 DDG(A) or an officer of BPS-20 nominated by the DG IB. |.B. Academy. BPS 1-15 Commandant (BPS-20), IB, Academy 4. ICT Office including Cl Field, | BPS 1-15 DDG, ICT office or an officer of BPS-20 Islamabad. nominated by the DG, IB. 5. NR, HQ, Rwp/Prov. HQs NWFP, | BPS 1-15 JDG/DDG incharge or the respective Punjab, Sindh, Balochistan, and Prov. HQs/ Northern Region HQ. all of their Field Units.

[Authority.— Establishment Division Notification No. S.R.O. 568(1)/2000 dated 16-8-2000].

SI. No. 22:

In exercise of the powers conferred by sub-section (1) of section 9 of the Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000), the Prime Minister is pleased to designate the officers specified in column (3) of the tables below to whom representations against orders under section 3 of the said Ordinance shall be preferred in respect of classes of persons specified in column

(2) of the said tables.

TABLE |

For persons in Government service employed in the Federal Secretariat or serving in a post, or belonging to a service or cadre administratively controlled by a Ministry or Division

SI. No. Classes of persons Officers 1 2 3 1. Holders of posts of Basic Pay Scales | Prime Minister. 17 to 19 and equivalent. 2. Holders of posts in Basic Pay Scale 16 | Prime Minister. and equivalent. 3. Holders of posts in Basic Pay Scales 1 | An officer next above the officer or authority

to 15 and equivalent.

against whose order representation is preferred.

TABLE II

For Persons in Government service employed in an Attached Department or a Subordinate Office of the Federal Government

SI.No. Classes of persons Officers 1 2 3 1. Holders of posts in Basic Pay Scales | Prime Minister. 17 to 19 and equivalent. 2. Holders of posts in Basic Pay Scale 16 | Secretary of the concerned and equivalent. Ministry or Division. 3. Holders of posts in Basic Pay Scales 1 | An officer next above the to 15 and equivalent.

officer or authority against whose order representation is preferred.

TABLE III

For persons in Corporation service

SI.No. Classes of persons Officers 1 2 3

1. Holders of posts in Basic Pay Scales 17 to | Secretary of the concerned 19 and equivalent. Ministry or Division.

2. Holders of posts in Basic Pay Scale 16 and | Secretary of the concerned equivalent. Ministry or Division.

3. Holders of posts in Basic Pay Scales 1 to 15 | An officer next above the officer and equivalent. or authority against whose order

representation is preferred.

[Authority.—Establishment Division Notification SRO No.581(1)/2000, dated 21-8-2000].

SI. No.23:

In exercise of the powers conferred by clause (aa) of section 2 of the

Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000), the Chief Executive is pleased to authorize the officers, specified in column (3) of the table below, to exercise the powers of the competent authority under the said Ordinance in respect of classes of persons in the Federal Public Service Commission specified in column (2) of the said table.

TABLE SI.No. Classes of persons Officers authorized to exercise the powers of competent authority under section 3, 4 and 5 of the Ordinance XVII of 2000 (1) (2) (3) 1. Holders of posts in BS 17-20 | Chairman, FPSC and equivalent. 2. Holders of posts in BS 3-16 | Secretary, FPSC and equivalent 3. Holders of posts in BS 1-2 and | Director (Estt), FPSC

equivalent

[Authority.—Establishment Division Notification No. S.R.O. 451(1)/2001 dated 19-6-2001.

SI. No.24:

In exercise of the powers conferred by sub-section (2) of section 9 of the Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000), the Chief Executive is pleased to designate the officers specified in column (3) of the table below, to whom representation against order under section 3 of the said Ordinance shall be preferred in respect of classes of persons in the Federal Public Service Commission specified in column (2) thereof.

TABLE SI.No. | Classes of persons Officers to whom representations shall be preferred (1) (2) (3)

1. Holders of posts in BS 17-20 and | Chairman, FPSC

equivalent. 2. Holders of posts in BS 3-16 and | Chairman, FPSC

equivalent 3. Holders of posts in BS 1-2 and | Secretary, FPSC

equivalent

[Authority Establishment Division Notification No. S.R.O. 452(I)/2001 dated 19-6-2001]. SI. No.25:

In exercise of the powers conferred by clause (aa) of section 2 of the Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000), the Chief Executive is pleased to authorize the officers, specified in column (3) of the table below, to exercise the powers of the competent authority under the said Ordinance in respect of classes of persons serving in the Council of Islamic Ideology specified in column (2) of the table.

TABLE

SI.No. Classes of persons Officers authorized to exercise the powers of competent authority under section 3, 4 and 5 of the Ordinance XVII of 2000

(1) (2) (3) 1. Holders of posts in BS 16 and above | Chairman, Council of Islamic and equivalent Ideology. 2. Holders of posts in BS 1-15 and | Secretary, Council of Islamic equivalent Ideology.

[Authority.—Establishment Division Notification No. S.R.O. 508(I)/2001 dated 9-7-2001]. SI. No.26:

In exercise of the powers conferred by sub-section (2) of section 9 of the Removal from Service (Special Powers) Ordinance, 2000 (XVII of 2000), the Chief Executive is pleased to designate the officers specified in column (3) of the table below, to whom representations against orders under section 3 of the said Ordinance shall be preferred in respect of classes of persons serving in the Council of Islamic Ideology specified in column (2) of the table.

TABLE SI.No. Classes of persons Officers to whom representations shall be preferred (1) (2) (3)

1. Holders of posts in BS 16 and above | Chief Executive of Islamic Republic and equivalent of Pakistan.

2. Holders of posts in BS 1-15 and | Chairman, Council of Islamic equivalent Ideology.

[Authority.—Establishment Division Notification No. S.R.O. 509(I)/2001 dated 9-7-2001].

SI. No. 27:

In exercise of powers conferred by clause (aa) of section 2 of the Removal from Service (Special Powers) Ordinance, 2000, the Chief Executive of Islamic Republic of Pakistan has been pleased to authorize the Secretaries of the concerned Ministries/Divisions to exercise the powers under proviso to Section 4 of the said Ordinance in respect of officers of BS-20 and above and equivalent with the stipulation that proceedings against the accused persons sent on leave, shall be initiated/finalized within the time frame notified vide the "Removal from

Service (Special Powers) Ordinance, 2000".

2.

decision

All Ministries/Divisions are requested to bring the above to the notice of Attached Departments/Subordinate Offices/

Autonomous/Semi Autonomous Bodies etc. under their administrative

control.

SI. No. 28:

[Authority.—Establishment Division O.M.No.3/13/2000-R.2, dated 12-11-2001].

Guidelines/Procedure for Taking Action under Removal from Service (Special Powers) Ordinance 2000

For the purpose of ensuring expeditious and orderly processing of cases under the Removal from Service (Special Powers) Ordinance, 2000, the Chief Executive has been pleased to lay down the following procedure for processing of cases under the aforesaid Ordinance:

(i) When it is brought to the notice of an authority or an officer of a

government Organization or Corporation that a government servant or corporation employee under him has, prima facie, ceased to be efficient or is involved in misconduct or corruption warranting action under the aforesaid Ordinance, he shall submit a report to the "competent authority" prescribed in SRO Notification of 27th May, 2000, giving the facts of the case alongwith supporting documentary evidence. Provided that in cases where the competent authority is the Chief Executive of Pakistan the report shall be submitted to the Chief Executive of Pakistan through the Secretary of the concerned Ministry or Division.

(ii) While submitting cases to the Chief Executive of Pakistan for seeking

his orders regarding initiation of proceedings under the aforesaid Ordinance, the Summary should invariably contain a concise

statement giving specific allegations, and proposal in regard to appointment and composition of Inquiry Committee.

(iii) After approval of initiation of proceedings and appointment of Inquiry Committee under Section 5 of the Ordinance by the competent authority, the accused government servant or corporation employee, as the case may be, shall be conveyed a statement of allegations and order of appointment of Inquiry Committee. The Inquiry Committee shall submit its recommendations within the prescribed time (i.e. 30 days) to the competent authority specified in SRO Notification No.28(l)/2000, dated 27.5.2000. Provided that where the competent authority is the Chief Executive of Pakistan the Inquiry Committee shall submit its recommendation to the Chief Executive of Pakistan the Inquiry Committee shall submit its recommendation to the Chief Executive of Pakistan through the Secretary of the concerned Ministry or Division.

2. It is requested that the above instructions may be brought to the notice of all organizations under the administrative control of Ministries/Divisions.

[Authority.—Establishment Division O.M.No.3/13/2000-R.2, dated 15-6-2000].

Clarification in regard to Section 12 and 13 of the Removal From Service (Special Powers) Ordinance, 2000

SI. No. 29:

Reference Section 12 of the Removal from Service (Special Powers) Ordinance, 2000 which lays down that "all proceedings initiated on the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance and rules made thereunder" and Section 13 which lays down that "for the removal of doubts, it is hereby provided that all proceedings pending immediately before the commencement of this Ordinance against any person whether in Government service or Corporation service under the Civil Servants Act, 1973 (LXXI of 1973) and rules made thereunder, or any other law or rules, shall continue under the said laws and rules and as provided thereunder". In this

connection a reference was made to Law Division for advice on the following points:—

(i) Whether the expression "proceedings pending immediately before the commencement of this Ordinance" used in Section 13 cited above, would cover following cases:—

(a) proceedings initiated against a civil servant under the E&D Rules, or a corporation employee under the law and rules applicable to him, on which final orders of the competent authority, whether for exoneration or for imposition of a penalty, had not been passed before 27th May, 2000, the date of commencement of the Ordinance.

(b

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Cases in which proceedings initiated against a civil servant before 27th May, 2000 under the E&D Rules or a corporation employee under the applicable law/rules, are quashed for any reason either under an order passed by a competent Court of Law or by the prescribed competent departmental authority, and it is decided to order fresh inquiry on the same charges which formed the basis of the earlier disciplinary proceedings under E&D Rules in the case of civil servant and applicable law/rules in the case of corporation employee.

(il) whether in cases where disciplinary proceedings initiated before the commencement of the said Ordinance i.e 27th May, 2000 are set aside, and a fresh inquiry involving a change in the charges which formed the subject matter of the earlier disciplinary proceedings under the E&D Rules in the case of civil servants and the applicable law/rules in the case of a corporation employee is initiated, the new proceedings would fall outside the ambit of Section 13 of the Ordinance, and would be covered by Section 12.

2. The Law Division have confirmed the views expressed in sub-paras (i) (a) and (b).

3. With regard to sub-para (ii) of para 1, Law Division have clarified that "mere change of the charges (which were substantially a part of the earlier proceedings) may not attract section 12 of the Ordinance. However, charges being fresh in substance and spirit can be processed under the said section 12

of the Removal from Service (Special Powers) Ordinance, 2000".

4. The above clarification is for information and guidance of all Ministries/Divisions/Departments.

[Authority.—Establishment Division O.M. No.11/10/2000-D.1, dated 29-9-2000].

Clarification in regard to Invocation of Rules 3 and 8 of the Government Servants (Efficiency & Discipline) Rules, 1973 after coming into force of the Removal from Service (Special Powers) Ordinance, 2000

SI. No. 30:

Rule 5 of the Government Servants (Efficiency and Discipline) Rules, 1973 requires, inter alia, that before passing an order of imposition of a penalty, an accused government servant should be informed in writing of the action proposed to be taken against him and the grounds of the action, and he should be given a reasonable opportunity of showing cause against the penalty proposed to be imposed on him. Rule 8 of the said rules, however, provides that "nothing in rule 5 shall apply to a case where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or imprisonment'.

2. The Removal from Service (Special Powers) Ordinance, 2000 does not contain any provision on the lines of rule 8 cited above. This means that, if it is proposed to impose a penalty on a government servant under the said Ordinance on account of conviction by a Court of Law, the mandatory procedure of enquiry and show cause notice provided in Section 3 of the said Ordinance will have to be observed. This would inevitably entail delay. In order to avoid unnecessary delay it would be appropriate to invoke the provisions of Rule 3 read with Rule 8 of the Government Servants (Efficiency and Disciplinary) Rules for the purpose of imposing an appropriate penalty in cases where a court of law passes

an order of imprisonment or imposition of fine.

3. Section 12 of the Removal from Service (Special Powers) Ordinance, 2000 lays down as under :—

"All proceedings initiated on the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance and rules made thereunder'.

A. A question had arisen whether, in cases referred to in para 2, invocation of powers conferred by rules 3 and 8 of the Government Servants (Efficiency and Discipline) Rules, 1973 is legally sustainable or is hit by Section 12 of the said Ordinance cited above? The position has been examined and Law Division have clarified that, as matters provided in Rules 3 and 8 of the Government Servants (Efficiency and Discipline) Rules, 1973 have not been provided in the said Ordinance, the cases where a court of law passes an order of imprisonment or imposition of fine on a Government servant, can be dealt with under Rules 3 read with Rule 8 of the Government Servants (Efficiency & Discipline) Rules, 1973, and the provisions of Removal from Service (Special Powers) Ordinance, 2000 would not come into play.

5. The above clarification is circulated for information and guidance of all Ministries/Divisions/Departments and Subordinate Offices under their administrative control.

[Authority.—Establishment Division O.M. No.3/64/2000-R.2, dated 25-10-2000].

Exemption of Class or Classes of Employees of a Corporation from the Provision of the Removal from Service (Special Powers) Ordinance, 2000

SI. No.31:

An Ordinance promulgated by the President on 10.7.2001 called "Removal from Service (Special Powers) (Amendment) Ordinance, 2001."

It may be pointed out that, under the said Ordinance, the following proviso has been added to Section 12 of the "Removal from Service (Special Powers) Ordinance, 2000;

Provided that the Federal Government may, by notification in the official gazette, exempt any class or classes of employees of a Corporation, a corporate body, authority, statutory body or other organization or institution set up, established, owned, managed or controlled by it or a body or organization in which it has a controlling share or interest from the provisions of this Ordinance and such class or classes of employees shall, notwithstanding anything contained in this Ordinance, be proceeded against and dealt with under the laws and rules applicable to such employees before the commencement to this Ordinance.

2. If a Ministry/Division considers it in the interest of expeditious and effective processing of disciplinary proceedings against the employees of a corporation to seek exemption from the provisions of the said Ordinance, it may submit a self-contained Summary for the Chief Executive (through the Establishment Division) and this summary should cover, inter alia, the following points :—

(ii) Specific reasons and advantage of seeking exemption from the provisions of the Ordinance;

(iii) The nomenclature of the law or the rules of the resolution or the instructions under which disciplinary proceedings against the employees of the corporation for which exemption is sought, are regulated.

(iv) A certificate to the effect that the existing law/rules/resolutions/instructions adequately cover all types of persons employed by the corporation (i.e. servants, officers, experts, consultants, advisers etc.) of all description who are paid from the funds of the Corporation.

(v) A certificate to the effect that all the grounds of penalties, mentioned in the "Removal from Service (Special Powers)

Ordinance" are included in the law/rules/resolution/instructions of the corporation.

(vi) A certificate to the effect that all kinds of penalties, included in the "Removal from service (Special Powers) Ordinance, 2000" are fully provided in the law/rules/ instructions of the corporation.

(viii)A copy of the relevant law/rules/resolution/ administrative instructions as annexure to the Summary for the Chief Executive.

3. Ministries/Divisions are requested to bring the above referred Ordinance and the instructions to the notice of all concerned under their administrative control for information and future guidance.

[Authority.— Establishment Division O.M.No.3/1/2001.R-2, dated 19-7-2001].

Procedure to be followed while taking action under Removal from Service (Special Powers) Ordinance, 2000

SI. No.32:

While dealing with disciplinary cases against Government Servants, it has been observed that the procedure laid down in the Removal from Service (Special Powers) Ordinance, 2000 is not being followed strictly. Such omissions sometimes vitiate the proceedings and cannot withstand judicial scrutiny. Recently, the Supreme

Court of Pakistan in a Civil Appeal has set aside major penalty of Removal from Service imposed upon an accused officer and remanded the case for fresh inquiry. The Supreme Court held that:

"Overwhelming material exists on record to show that

proceedings against the appellant were conducted in violation of the principles and procedure laid down to regulate the inquiry proceedings under the Efficiency and Discipline Rules, in as much as, the evidence of the witnesses sought to be produced against the appellant was not recorded by the Inquiry Officer in presence of the appellant whereby he was deprived of his lawful right to cross examine the witnesses".

2. It is therefore necessary that extreme care should be taken to ensure that cases are dealt with according to the laid down procedure in the Removal from Service (Special Powers) Ordinance, 2000. For convenience, the procedure to be followed while taking action under the Removal from Service (Special Powers) Ordinance, 2000 as amended from time to time is explained in the succeeding paragraphs:—

(1) When it has come to the notice of the competent authority (as defined under Section 2(aa) of the Ordinance read with SRO 281(1)/2000, dated 27.05.2000 and SRO 411(I)/2000, dated 17.6.2000) that a person in government or corporation service has ceased to be efficient or is involved in misconduct or corruption etc. warranting action under Section 3(1) of the Ordinance, the competent authority shall take a decision and accord its approval to the initiation of proceedings if in its opinion a case is made out against the accused. [Section 3(1) of the Ordinance]

(2) A person against whom action is proposed to be taken under Section 3(1) can be suspended with immediate effect with the approval of the competent authority. [Section 4 of the Ordinance read with para 2 of SRO 281(I)/2000 dated 27.5.2000 and SRO 411(I)/2000 dated 17.06.2000]

(3) Where the competent authority decides to hold an inquiry, formal order regarding appointment of Inquiry officer or inquiry Committee, as the case may be, shall be issued only with approval of the competent authority. [Section 5(1)]

(4)

(5)

(6)

(7)

(8)

Keeping in view the nature of charges and other facts of the case the competent authority can dispense with the inquiry. [Section 5(4) and (5)]

Procedure prescribed in sub Section (1), (2) and (3) of Section 5 shall be followed in case the competent authority in exercise of its discretionary power under Section 5(1), decides to hold an inquiry through an Inquiry Officer or Inquiry Committee.

Formal order of inquiry containing charges/statement of allegations shall be framed by the competent authority and communicated to the accused by the Inquiry Officer or the Inquiry committee as the case may be. [Section 5(1)]

That Inquiry officer/committee requires the accused to put in a written defence within seven days from the day the charge is communicated to him. [Section 5(1)(b)]

Inquiry Officer/Inquiry Committee shall enjoy the powers defined in Section 6 of the Ordinance and ensure that :—

(i) The procedure laid down in Sections (1), (2) and (3) of Section 5 be strictly adhered to during inquiry proceedings.

(ii) The Inquiry Officer/Committee shall record the statement of the witnesses on oath in presence of the accused. [Section 6 (d)] (in order to ensure his presence initials of the accused can be obtained on the statement of the witnesses).

(iii) The accused be allowed to cross-examine the witnesses produced against him during the proceedings. [Section 5(1)(c)]

(iv) The findings and recommendations of the Inquiry Officer/Inquiry Committee be recorded after due analysis and appreciation of evidence on record. (For authenticity each page of inquiry report may be initiated by the Inquiry Officer/Committee)

(9) On receipt of the findings and recommendations of the Inquiry officer or Inquiry Committee where appointed, if the competent authority is of the considered opinion that a penalty prescribed under Section 3(1) is to be imposed upon the accused person in Government or corporation service he shall issue a show cause notice alongwith copy of Inquiry report to the accused informing him of the action proposed to be taken against him and the grounds of action. On receipt of reply of the accused to the show cause notice, the competent authority may pass such order as it may deem proper in accordance with provisions of the Ordinance.

3. Ministries/Divisions are requested to bring the above instructions to the notice of attached Departments, Subordinate Offices, Autonomous/Semi-Autonomous_ Bodies/Corporations etc. under their administrative control.

[Authority.—Establishment Division O.M.No.13/2/2000-D.2, dated 21-9-2001].

Disposal of Representation by the Appellate Authority(s) within time limit prescribed under Section 9(2) of the Removal from Service (Special Powers) Ordinance, 2000

SI. No.33:

Under Section 9(2) of the Removal from Service (Special Powers) Ordinance, 2000 the appellate authority is required to dispose of representations or review petitions within a period of sixty days of their

filing. The withholding of a representation/review petition is not provided under the said Ordinance so there can be no occasion for the absence of communication of final order and in case no final order is passed within a period of sixty days it may be presumed to be a rejection of a representation/review petition.

2. However, it has been observed that the representations/ review petitions are not submitted to the appellate authority(s) within the prescribed time with the result that the final orders are not passed by the appellate authority(s). In such cases representations/review petitions are deemed to have been rejected due to expiry of the mandatory period of sixty days without going into the merits of each case. It has further been observed that representations/review petitions by aggrieved officer(s) which lie with the Chief Executive of Pakistan are received in Establishment Division either after expiry of or just few days before the expiry of sixty days time limit, making it difficult for Establishment Division to properly examine and form up the case before its submission to the Chief Executive of Pakistan. Sometimes Establishment Division observes discrepancies in the representations which need to be clarified. It consumes extra time, and, meanwhile the prescribed time limit exhausts.

3. In order __ to avoid summary rejection of representations/review petitions due to time limitation factor and to ensure that such cases are properly evaluated and the decisions are taken on merit, it has been decided by the Chief Executive of Pakistan that in future all = Ministries/Divisions/Departments — shall submit the representations/ review petitions so as to reach the prescribed appellate authority(s) at least fifteen days before the expiry of the mandatory period of sixty days.

4. It has further been decided that where a representation/ petition is required to be submitted to the Chief Executive through Establishment Division, such representation should reach in Establishment Division within 20 days of its filing by the petitioner.

[Authority.—Establishment Division O.M.No.4/3/95/D.3. dated 26-3-2002].

CHAPTER XVI

SERVICE TRIBUNALS ( )

THE SERVICE TRIBUNALS Constitutional provisions SI. No.55:

Extract from the Constitution of the Islamic Republic of Pakistan, 1973.

Article No.212 -— (1) Notwithstanding anything hereinbefore contained, the appropriate Legislature may by Act provides for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of —

(a) matter relating to the terms and conditions of persons who are or have been in the service of Pakistan, including disciplinary matters;

(b) matters relating to claims arising from tortuous acts of Government, or any person in the service of Pakistan, or of any local or other authority empowered by law to levy any tax or cess and any servant of such authority acting in the discharge of his duties as such servant; or

(c) matters relating to the acquisition, adminis-tration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal; other than an appeal pending before the Supreme Court, shall abate on such establishment:

Provided that the provisions of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless, at the request of that Assembly made in the form of a resolution, Majlis-e-Shoora (Parliament) by law extends the provisions to such a Court or Tribunal.

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Court, being satisfied that the case involves a substantial

Administrative Courts and Tribunals.

question of law of public importance, grants leave to appeal.

The Service Tribunals Act, 1973 (Act No. LXX of 1973)

SI. No. 56:

An Act to provide for the establishment of Service Tribunals to exercise jurisdiction in respect of matters relating to the terms and conditions of service of civil servants.

WHEREAS it is expedient to provide for the establishment of Administrative Tribunals, to be called Service Tribunals, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto.

It is hereby enacted as follows:—

1. Short title, commencement and application—(1) This Act may be called the Service Tribunals Act, 1973.

(2) It shall come into force at once. (3) It applies to all civil servants wherever they may be.

2. Definitions.—-In this Act, unless there is anything repugnant in the subject or context, —-

*[(a) "civil servant" means a person who is, or has been, a_ civil servant within the meaning of the Civil Servants Act, 1973 (LXXI of 1973);] **[and shall include a person declared to be a civil servant under section 2(a); and]

*Subs vide Service Tribunals (Amendment) Act XXXI of 1974, dated 6-5-1974. **Added vide Service Tribunals (Amendment) Act XVII of 1997, dated 10-6-1997.

(b) "Tribunal" means a Service Tribunal established under section 3.

*[2-A. Service under certain corporations, etc. to be service of Pakistan.— Service under any authority, corporation, body or organization established by or under a Federal law or which is owned or controlled by the Federal Government or in which the Federal Government has a controlling share or interest is hereby declared to be service of Pakistan and every person holding a post under such authority, corporation, body or organization shall be deemed to be a civil servant for the purposes of this Act].

3. Tribunals.—(1) The President may, by notification in the official Gazette, establish one or more Service Tribunals and, where there are established more than one Tribunal, the President shall specify in the notification the class or classes of civil servants in respect of whom or the territorial limits within which, or the class or classes of cases in respect of which, each such Tribunal shall exercise jurisdiction under this Act.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil Servants, including disciplinary matters.

(3) A Tribunal shall consist of—

(a) a Chairman, being a person who **[is, or] has been, qualified to be Judge of a High Court; and

***T(b) such number of members ®Inot less than three] each of whom is a person who possesses such qualifications as may be prescribed by rules, as the President may from time to time appoint].

(4) The Chairman and members of a Tribunal shall be appointed by the President on such terms and conditions as he may determine.

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the President.

(6) The Chairman or a member of a Tribunal shall not hold any other office

of profit in the service of Pakistan if his remuneration is thereby increased.

*Added vide Service Tribunals (Amendment) Act XVII of 1997, dated 10-6-1997. **Ins vide Service Tribunals (Amendment) Act XIX of 1977, dated 13-5-1977.

***Added vide Ordinance No. IX of 1978, dated 18-3-1978. @Subs vide Service Tribunals (Amendment) Act IV of 1987, dated 15-6-1987.

(7) Notwithstanding anything contained in sub-section (3), subsection (4), sub-section (5) or sub-section (6), a Tribunal established to exercise jurisdiction in respect of a specified class or classes of cases may consist of one or more persons in the service of Pakistan to be appointed by the President.

*[3-A. Benches of the Tribunal.—(1) The powers and functions of a Tribunal may be exercised or performed by Benches consisting of not less than two members of Tribunal, including the Chairman, constituted by the Chairman.

(2) If the members of a bench differ in opinion as to the decision to be given on any point,—

(a) the point shall be decided according to the opinion of the majority;

(b) if the members are equally divided and the Chairman of the Tribunal is not himself a member of the bench, the case shall be referred to the Chairman and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman; and

(c) if the members are equally divided and the Chairman of the Tribunal is himself a member of the bench, the opinion of the Chairman shall prevail and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman].

4. Appeals to Tribunals.—(1) Any civil servant aggrieved by any **[ ] order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him, ***[or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal]:

Provided that—

(a) where an appeal, review or representation to a departmental authority is provided under the Civil Servants Ordinance, 1973, or any rule against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such

*Added vide Ordinance No. IX of 1978, dated 18-3-1978. **Omitted vide Service Tribunals (Amendment) Act XVII of 1997, dated 10-6-1997. ***Subs vide Service Tribunals (Amendment) Act No. XXXI of 1974, dated 6-5-1974.

departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was so preferred; *[ ]

(b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher grade; **[and]

***1(C) no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969].

(2) Where the appeal is against an order or decision of a departmental authority imposing a departmental punishment or penalty on a civil servant, the appeal shall be preferred—

(a) in the case of a penalty of dismissal from service, removal from service, compulsory retirement or reduction to a lower post or time-scale or to a lower stage in a time-scale, to a Tribunal referred to in sub-section (3) of section 3 ;and

(b) in any other case, to a Tribunal referred to in sub-section (7) of that section.

Explanation.—In this section, "departmental authority” means any authority other than a Tribunal, which is competent to make an order in respect of any of the terms and conditions of civil servants.

5. Powers of Tribunals.—(1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (Act V of 1908), including the powers of—

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents; and (c) issuing commission for the examination of witnesses and documents.

*The word "and" Omitted vide Service Tribunals (Amendment) Act XXXI of 1974. **Subs vide Service Tribunals (Amendment) Act No. XXXI of 1974, dated 6-5-1974. *** Added vide Service Tribunals (Amendment) Act XXXI of 1974.

6. Abatement of suit and other proceedings—All suits, appeals or applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the commencement of this Act shall abate forthwith:

Provided that any party to such a suit, appeal or application may, within ninety days of the *[establishment of the appropriate Tribunal, prefer an appeal to it] in respect of any such matter which is in issue in such suit, appeal or application.

7. Limitation—The provisions of sections 5 and 12 of the Limitation Act,1908 (IX of 1908),shall apply to appeals under this Act.

8. Rules.—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:—

(a) requirements as to the number of members of the Tribunal necessary for hearings before, or order or decision by, a Tribunal *[or a Bench thereof]; and

(b) filling for a specified period any vacancy in the office of the Chairman or a member of the Tribunal caused by the absence on leave or other-wise of the Chairman or, as the case may be, a member.

9. Repeal.— The Service Tribunals Ordinance, 1973 (XV of 1973), is hereby repealed.

*Subs vide Service Tribunals (Amendment) Act XXXI of 1974.

The Service Tribunals (Procedure) Rules, 1974

SI. No. 2

In exercise of the powers conferred by section 8 of the Service Tribunals Act, 1973 (LXX of 1973), the Federal Government is pleased to make the following rules, namely:-

THE SERVICE TRIBUNALS (PROCEDURE) RULES, 1974

1. These rules may be called the Service Tribunals (Procedure) Rules, 1974.

2. (1) In these rules, unless there is anything repugnant in the subject or context, -

(a) "Act" means the Service Tribunals Act, 1973 (LXX of

1973). (b) "Chairman" means the Chairman of a Tribunal. (c) "Member" means a member of a Tribunal and includes

the Chairman; and

(d) "Registrar" means the Registrar of a Tribunal and includes any other person authorised by the Tribunal to perform the functions of the Registrar under these rules.

(2) Words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.

3. (1) The permanent seat of a Tribunal shall be at a place which the Federal Government may, by notification in the official Gazette, appoint.

(2) A Tribunal shall ordinarily hold its sittings at its permanent seat but it may hold its sittings at any other place within its jurisdiction if in its opinion the holding of sittings at such other place will be convenient to the parties to the proceedings before it.

4, (1) A Tribunal shall ordinarily observe the same hours as are observed by the offices of the Federal Government.

(2) A Tribunal shall observe the holidays notified by the Federal Government.

5. (1) An appeal to a Tribunal may be sent to the Registrar by registered post acknowledgement due or presented to him during office hours either by the appellant personally or through his advocate.

(2) Appeals presented to or received by any member shall be deemed to be properly presented or received under this rule.

6. Every memorandum of appeal shall -

*[)] (a) _ be legibly, correctly and concisely written, type-written or printed;

(b) be divided into paragraphs, numbered consecutively, each paragraph containing, as nearly as may be, a separate assertion or averment;

(c) contain the full name, official designation and place of posting of each party;

(d) clearly set out the relief claimed;

Renumbered vide Estt. Division Notification No. S.R.O. 1100(1)/83 dated 23-11-1983. (e) be accompanied by -

(i) a copy of the final order, whether original or appellate, and any other order of the competent authority in respect of any of the terms and conditions of service of the appellant against which the appeal is preferred; and

(ii) copies of rules, orders and_ other documents on which the appellant proposes to rely in support of his claim;

(f) be signed or thumb impressed by the appellant; and

(g) | be accompanied by three spare copies of the memorandum of appeal and as many other copies thereof, duly signed or thumb-impressed by the appellant and accompanied by the documents referred to in clause (e), as there are respondents: Provided that where a Tribunal is satisfied that it is not possible for any appellant to produce any document referred to in clause (e) it may waive the provisions of the clause.

*[(2) If malice, fraudulent intention, knowledge or other condition of mind, including legal or factual mala fide, is alleged in an appeal, the memorandum of appeal shall state clearly the facts constituting such malice, fraudulent intention, knowledge or other condition of mind or, as the case may be legal or factual mala fide, and be accompanied, besides the documents specified in clause (e) of sub-rule (1), by a summary of the documentary or oral evidence which the appellant proposes to produce in proof of the allegation and an affidavit in support of the contents of the summary].

“Added vide Estt. Division Notification No. S.R.0.1100(1)/81 dated 23-11-1983. 7. In every memorandum of appeal, the competent authority against whose orders the appeal is preferred and any other party to

the dispute shall be shown as respondents.

8. Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition supported by an affidavit setting forth the cause of delay.

9. No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document with a Tribunal.

10. (1) The Registrar shall scrutinize every memorandum of appeal received by him, and shall -

(i)

(i

if it is drawn up in accordance with the provisions of rule 6, cause it to be registered in the register of appeals, to be maintained in form appended to these rules and shall, with the approval of the Chairman, fix a date for its preliminary hearing before the Tribunal; and

if it is not drawn up in accordance with the provisions of rule 6, return it to the appellant for amendment, within a time to be specified in an order to be recorded by him on _ the memorandum of appeal, which shall in no case be less than fourteen days, pointing out the deficiency.

(2) If the memorandum of appeal is not resubmitted within the period specified under clause (ii) of sub-rule (1), the appeal shall

stand dismissed.

11.(1) A Tribunal may, after hearing the appellant or his advocate dismiss the appeal in limine.

(2) If the appeal is not dismissed in limine, notice of admission of appeal and of the day fixed for its hearing shall, subject to the provisions of sub-rule (3), be served on the appellant, the respondents and on such other persons as the Tribunal may deem proper.

(3) The appellant shall, within one week of the receipt of the notice of admission of his appeal, or within such extended period as may be allowed by the Registrar, deposit with the Registrar:-

(a) cash security for costs in the sum of Rs. 100; and (b) cost of service of notice on the respondents.

(4) If the appellant does not comply with the provisions of sub- rule (3), his appeal may be dismissed by the Tribunal.

12. (1) A notice under sub-rule (2) of rule 11 shall be in such form as may be laid down by a Tribunal and may be served by registered post or in any other manner, including publication in one or more daily newspapers, as the Tribunal may direct:

Provided that a notice shall not be issued for publication in a newspaper until the costs of such publication are deposited by the appellant.

(2) The notice to a respondent shall, except where it is published in a newspaper, be accompanied by a copy of the memorandum of appeal and of the documents appended thereto.

(3) Service of notice in accordance with the provisions of this rule shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.

13. (1) A respondent on whom a notice of appeal has been served under rule 12, may send his objections to the appeal by registered post acknowledgement due to the Registrar so as to reach

him, or deliver the same to the Registrar either personally or through his advocate not later than seven days before the date specified in the notice for hearing of the appeal or within such extended period as may be allowed by the Registrar.

(2) The objection shall be legibly, correctly and concisely written, type-written or printed, shall be signed by the respondent or by a person authorised by him in that behalf and shall be accompanied by a copy of every document on which the respondent wishes to rely in support of his objections.

(3) The written objections shall be accompanied by four spare copies thereof, complete in all respects, for use of the members of the Tribunal and the appellant.

(4) In case objections are not received or delivered within the time allowed under sub-rule (1), the respondent may be proceeded against ex-parte.

14. Question arising for determination by a Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits, but the Tribunal may direct that such questions as it may consider necessary shall be decided on such other evidence and in such manner as it may deem fit.

15. (1) An application for summoning witnesses before a Tribunal shall be made as soon as possible after the issue of notice of admission of appeal under rule 11 and shall state:-

(a) the names, designations and addresses of the witnesses to be summoned; and

(b) a brief resume of the evidence which each witness is expected to give.

(2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule (1) may be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal, and direct that the daily allowance and travelling charges of such witness should be deposited by the person calling him within seven days of the date of the order.

(3) The Tribunal may, by general or special order, prescribe the rates of daily allowance and travelling charges to be paid to witnesses summoned by it.

(4) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness within the period specified in sub-rule (2), or within such extended period as may be allowed by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(5) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct him to be summoned.

(6) Where the Tribunal summons a witness under the provisions of sub-rule (5):-

(a) if such witness is a Government servant, his travelling and daily allowances, if any, shall be payable by the Government; and

(b) — if such witness is a private person, his travelling and daily allowance shall be payable by such party and to such extent as may be determined by the Tribunal.

16. (1) A process for service on a witness of high rank shall be sent in the form of a letter.

(2) Except in urgent cases or as may otherwise be ordered by a Tribunal, a summon to a Government servant shall be served through the head of his office.

17. (1) A Daily Cause List shall be prepared under the orders of the Registrar which shall be affixed on the notice board of the Court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases shall be set down in the Cause List in the order of the date of admission.

18. (1) A Tribunal may, if it considers necessary, appoint an officer of the Tribunal to record evidence of a witness for and on behalf of the Tribunal.

(2) Evidence of a witness examined by or on behalf of a Tribunal shall be taken ordinarily in the form of a narrative, and shall be signed by the recording officer and countersigned by the members and shall form part of the record.

(3) The parties or their advocates may suggest any questions to be put to a witness and a member may, besides such questions, put any other questions to the witness.

(4) A Tribunal may, in the interest of justice, close the evidence of any party if in its opinion the production or continuation of such evidence would involve inordinate delay or unnecessary expenses.

19. (1) If, on the date fixed for the hearing of an appeal, or on any other subsequent date to which the hearing may have been adjourned, the appellant or his advocate is not present before a Tribunal, the Tribunal may dismiss the appeal or, if it thinks fit, may proceed to hear the other party and decide the appeal.

(2) If, on the date fixed for the hearing of an appeal, or on any subsequent date to which the hearing may have been adjourned, the respondent or any one or more of the respondents, in case there are more than one respondents, or his or their advocates are not present before the Tribunal, the Tribunal may hear the appeal ex-parte against all or any of the respondents who, and whose advocates are so absent.

(3) When an appeal has been dismissed under sub-rule (1) or ex-parte proceedings have been taken under sub-rule (2), the Tribunal may, on such order as to costs as it may deem fit, restore the appeal or, as the case may be, set aside the ex-parte order or allow the defaulting party to rejoin the proceedings.

20. (1) A Tribunal may make such order as to costs of proceedings before it as it may deem fit and such costs shall be paid out of the cash security deposited under clause (a) of sub-rule (3) or rule 11.

(2) If, after deduction of the costs of proceedings under sub-rule (1), any amount deposited under clause (a) of sub-rule (3) of rule 11 remains unutilized, it shall be returned to the appellant.

*21. (1) The Tribunal shall, after the order is signed cause certified copies thereof to be sent under registered cover to the parties concerned and shall deliver a copy to the Secretary, Establishment Division, "[and the Solicitor, Law Division].

(2) Any party to the appeal may obtain additional copies of the order on payment of such legal fees, as the Tribunal may from time to time fix.

22. Clerical or arithmetical mistakes arising in an order of final adjudication from any accidental slip or omission may at any time, be corrected by a Tribunal either on its own motion or on an application made by any of the parties:

Provided that every such application shall be duly supported by an affidavit.

'Subs vide Estt. Division Notification No. S.R.O. 1111(1)/75, dated 6-11-1975. "Subs vide Estt. Division Notification No. S.R.O. 427(1)79, dated 20-5-1979.

23. If a Tribunal is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of the majority.

24. If any member of a Tribunal is, for any reason, unable to take part in the proceedings of the Tribunal, the other members may hear or continue to hear the appeal but the decision of the Tribunal shall be shown to the absentee member and, if such member has any view to express the same may be recorded and the decision of the Tribunal shall be expressed in terms of the view of the majority.

25. A casual vacancy in the office of the Chairman or a member of a Tribunal caused by the absence on leave or otherwise of the Chairman or, as the case may be, a member may be filled by the President for a specified period by appointment of a person who is qualified to be the Chairman or, as the case may be, a member of a Tribunal.

26. The language of a Tribunal shall be English, but use may be made of the National or any one of the regional languages subject to the prior permission of the Tribunal.

27. A Tribunal may issue instructions in regard to supply of copies to, and inspection of record by parties to proceedings before it.

[Authority.- Estt. Division Notification No. S.R.O. 1199(1)/74, dated 14-9-1974].

Serial

No.

Date of presentation

of appeal

Name and Names and

address of the appellant

addresses of the

respondents

FORM “A'

REGISTER OF APPEALS (See rule 10) Date of Whether Amount of cash Date of registration admitted or security and of the dismissed costs deposited order appeal inlimine, _ by the appellant with date of order 5 6 7 8

Brief Date on which final substance _ copy of the final of the final order sent to the

order competent authority.

Delegation of powers to Deputy Registrar, Service Tribunal, Lahore

SI. No. 3

In partial modification of Service Tribunal's notification of even number dated the 6th December, 1975, and in exercise of the powers conferred by clause (1) (d) of Rule (2) of the Service Tribunals (Procedure) Rules, 1974, the Deputy Registrar, Service Tribunals, Camp Office, Lahore is hereby authorised to perform the functions of the Registrar under the Service Tribunals (Procedure) Rule, 1974 except:-

1 the fixing of cases out of turn;

2s transfer of cases from one station to another; and

3 grant of extension for filing objections beyond 5 months.

[Authority.- Federal Service Tribunal Notification No.F.12(2)/74,FST, dated 15-9-1980]. The Service Tribunals (Qualifications of Members) Rules, 1974 SL. No. 4 In exercise of the powers conferred by section 8 of the Service

Tribunals Act, 1973 (LXX of 1973), the Federal Government is pleased to make the following rules:-

1. These rules may be called the Service Tribunals (Qualifications of Members) Rules, 1974.

2. A member of the Tribunal shall be a person who has for a period of not less than 20 years held an appointment or post in the Service of Pakistan, or in a Corporation or other body set up by Government or who, for the said period, has been an advocate or legal practitioner.

[Authority.- Estt. Division Notification No. S.R.O. 242 (I)/74, dated 22-2-1974].

Permanent seat of the Service Tribunal

SL No.5

In exercise of the powers conferred by sub-rule (1) of rule 3 of the Service Tribunals (Procedure) Rules, 1974, the Federal Government is pleased to appoint Islamabad to be the place at which the Service Tribunal established under the Establishment Division Notification No. S.R.O. 243 (I)/74, dated the 22nd February, 1974, shall have its permanent seat.

[Authority.- Estt. Division Notification No. 15/1/73-CV., dated 29-10-1974].

Method, Qualifications and other conditions for appointment of the Assistant Registrar

(Grade 16) and Administrative Officer (Grade 17) in the

Service Tribunal

SI. No. 6

In pursuance of sub-rule (2) of rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post of Assistant Registrar (Grade 16) in the Service Tribunal:-

2. Method of appointment.- The post of Assistant Registrar shall be filled by transfer and, failing that, by promotion.

3. Qualifications/Conditions for transfer- Appointment by transfer shall be made from amongst the persons who hold posts in Grade 16 on a regular basis either in the Service Tribunal or in any other Department of Federal Government. A law graduate will be preferred.

4. Conditions for promotion.- Promotion shall be made by selection from amongst the officials in Grades 11 to 15 employed in the Service Tribunal who have rendered at least 5 years service in these grades. A law graduate will be preferred.

5. Probation.- A person appointed to the post by promotion shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded, or if considered necessary, it may be extended for a period not exceeding one year, aS may be prescribed at the time of appointment. Appointment on probation shall be subject to provision of Section 6 of Civil Servants Act, 1973.

[Authority.- Estt. Division Notification No. S.R.O. 12 (1)/76, dated 3-1-1976]. SI. No. 7

In pursuance of sub-rule (2) of Rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post of Administrative Officer (Grade 17), in the Service Tribunal.

2. Method of appointment.- The post of Administrative Officer shall be filled by promotion and failing that it will be filled by transfer.

3. Conditions for promotion.- Promotion shall be made by selection from amongst the persons who hold the post of Superintendent or Private Secretary or Assistant Registrar in the Service Tribunal on a regular basis and have rendered at least 3 years service in Grade 16 or at least 8 years service in Grade 11 and above. A person who has sufficient knowledge of rules/regulations relating to administrative and establishment matters will be given preference.

4, Qualifications/Conditions for Transfer. Appointment by transfer shall be made from amongst the persons who hold posts in Grade 17 on a regular basis under the Federal Government and have sufficient experience of rules/regulations relating to administrative and establishment matters.

5. Probation.- A person appointed to the post by promotion shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded, or if considered necessary, it may be extended for a period not exceeding one year, as may be prescribed at the time of appointment.

Appointment on probation shall be subject to provision of Section 6 of Civil Servants Act, 1973.

[Authority.- Estt. Division Notification No. S.R.O. 138 (1)/76, dated 12-2-1976].

Method, qualifications and other conditions for appointment of the Deputy Registrar (Judicial) Grade 17 in the Service Tribunal

SI. No. 8

In pursuance of sub-rule (2) of Rule 3 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, the following method, qualifications and other conditions are laid down for appointment to the post of Deputy Registrar (Judicial) Grade 17 in the Service Tribunal.

2. Method of Appointment.- The post will be filled by promotion, and failing that by transfer or by direct recruitment.

3. Conditions of Promotion.- Promotion shall be made by selection from amongst the persons who hold the post of Superintendent, or Private Secretary or Assistant Registrar in the Service Tribunal on regular basis and have rendered at least 3 years service in Grade 16 or at least 8 years service in Grade 11 and above. Only persons having degree in law with sufficient knowledge of rules/regulations relating to service matters will be considered for promotion.

4, Qualifications/Conditions for Transfer- Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in the same grade in which the post to be filled exists, provided the person concerned possesses the qualifications/experience prescribed for direct recruitment or

promotion to the post concerned.

5. Qualifications, experience and age limits for direct recruitment.- A candidate must possess the educational qualifications and experience and must be within the age limits as mentioned against the post in the schedule to this notification:

Provided that the maximum age limit will be relaxed by 3 years in the case of candidates belonging to Scheduled Castes, Buddhist Community, recognised tribes of the Tribal Areas, Azad Kashmir and Northern Areas (Districts of Gilgit, Skardu, Ghizer, Ghanche and Diamir) in accordance with the instructions issued by the Establishment Division.

6. Probation.- Persons appointed by promotion or direct recruitment shall be on probation for a period of one year. This period may be curtailed for good and sufficient reasons to be recorded, or if considered necessary, it may be extended for a period not exceeding one year as may be prescribed at the time of appointment. Appointment on probation shall be subject to the provisions of Section 6 of Civil Servants Act, 1973.

[Authority.- Estt. Division Notification No.S.R.O.136(1)/78, dated 23-1-1978].

SCHEDULE (See para 5)

SL. Designation and grade Qualifications Age limit

No. of the post and experience Maxi- Mini- mum mum

1. Deputy Registrar Law graduate, having 3 35 years 25 years (Judicial) Grade 17 years experience of working as Assistant Registrar in a High Court or a Tribunal, or as Legal Adviser in a Government Office or large private establish- ment, or 3 years practice as an advocate.

Defence of cases in the Tribunal and Law Courts

Sl. No. 9

The following guidelines and instructions are to be observed by the Ministries/Divisions/ Attached Departments in regard to Appeals/Writ Petitions/Suits preferred by the aggrieved civil servants before Service Tribunals, High Courts and Civil Law Courts against final orders affecting the terms and conditions of service, including cases where penalty have been awarded under the Government Servants (Efficiency & Discipline) Rules:-

(i) After the promulgation of the Tribunal Act, 1973, the jurisdiction in all matters pertaining to the terms and conditions of the civil servants, including orders passed under Government Servants (Efficiency & Discipline)

(iii)

Rules rest with the Tribunal and to that extent the jurisdiction of the High Courts and the Civil Courts has been ousted. In cases where writ petitions/civil suits are filed they should be contested on the point of jurisdiction.

In Appeals/Writ Petitions/Civil Suits against the orders passed by the Ministries/Divisions, the responsibility of defending such cases is of the Ministry/Division/ Attached Department concerned. However, in view of the fact that Establishment Division is made proforma party in most of the cases, the cases are referred routinely to this Division which results in loss of time. It is clarified that where the final orders have been passed by the Ministry/Division other than the Establishment Division no reference should be made to the Establishment Division unless there is a specific point of reference, in which case the issue should be clearly specified and necessary papers supplied as annexure in a self contained reference. It would not be possible for the Establishment Division to respond to general queries or a general request for advice in such cases.

In cases where the Ministries/Divisions are the principal respondent, arrangement for submission of parawise comments well in time, and appointment of counsels to defend the case should be made in consultation with the Law Division. The Federal Service Tribunal is presently not happy about the delays in filing parawise comments and the proper defence of the cases before them by the Ministries/ Divisions.

(iv) In defending the appeals, before the Service Tribunals the question of limitation should be carefully examined, and the appeals contested on this ground where appeals are time barred.

(v) The Ministries/Divisions are also required to examine those cases which are decided against the Government by the Service Tribunal in their capacity as the main respondent, with a view to filing an appeal before the Supreme Court in consultation with the Law Division directly. Such cases need not to be referred to this Division for examination.

[Authority.- Estt. Division O.M.No.14/5/80-Lit/ Misc., dated 7-3-1982].

Implementation of judgments/orders passed by the Federal Service Tribunal

SI. No. 10

On acceptance of an appeal by the Federal Service Tribunal, a written order is communicated to the concerned parties and respondent Ministries/Divisions/Departments. On _ receipt, the judgment is to be examined on top priority basis with a view to filing a Civil Petition for Special Leave to Appeal (CPSLA) before the Supreme Court of Pakistan for which 60 days time is available to the aggrieved parties. In case, it is decided in consultation with the Law and Justice Division that an order passed by the Tribunal does not involve any substantial question of law of public importance for moving a CPSLA before the Supreme Court of Pakistan, the order

should be implemented forthwith under intimation to the Registrar, Federal Service Tribunal, Islamabad.

as The Ministries/Divisions are also requested kindly to inform the departments under their administrative control to follow the above instructions.

[Authority.- Estt. Division O.M.No.F.10/14/92-Lit.L, dated 4-5-1993].

SL No. 11

2. It is brought to the notice of the Miniseries/ Divisions/Departments that the Federal Service Tribunal was constituted in 1973 and enjoys the powers of a civil court under the Civil Procedure Code and can, if it so desires initiate proceedings against the defaulting Ministries/Divisions/ Departments for non- implementation of its orders if they have not been appealed against in the higher Courts. It is, therefore, mandatory for the

Ministries/Divisions/Departments to implement the Federal Service Tribunal's orders where-ever appeals have not been filed and strict compliance with this legal provision is requested forthwith.

3. The Tribunal has also complained about the lack of assistance being rendered by the Ministries/Divisions/ Departments by having their view points represented by officials of the contesting Ministry/Division/Department at very low level and for not contacting Government Counsel/Advocate who is supposed to defend the Government position. Many instances relating to some Ministries and Departments have been cited by the Chairman, Federal Service Tribunal which are being separately addressed on the subject.

4. In view of the above the attention of the

Ministries/Divisions/Departments is invited to the Establishment Division's policy O.Ms. No.10/14/92-Lit.I, dated 4.5.1993, 2/19/93- Lit.3, dated 28.5.1994 and 1/23/94-Lit.2, dated 3.11.1994 which stress

that:

(a)

(c)

the government departments should assure that no case goes unrepresented before any Court/Tribunal. A responsible officer well conversant with the case, alongwith government counsel should always be deputed to represent the Government and assist the Court/Tribunal on the basis of departmental record and the policy stand taken in the case;

where a judgment is passed against the Government the possibility of filing an appeal against it should be examined well within time in consultation with the Law & Justice Division; and

where a judgment is not desired to be challenged the same should be implemented forthwith.

5. The Ministries/Divisions/Departments are requested to strictly comply with the Government instructions referred to above. The Government functionaries found negligent or responsible for mishandling the cases, should invariably be proceeded against under the E&D Rules.

[Authority.- Paras 2 to 5 of Estt. Division O.M.No.1/1/95-Lit.2/ Misc. dated 30-8-1995].

CHAPTER V

CONDUCT AND DISCIPLINE

(457 -458)

CONDUCT AND DISCIPLINE SECTION *A'

RULES AND INSTRUCTIONS RELATING TO THE CONDUCT OF GOVERNMENT SERVANTS

Government Servants (Conduct) Rules, 1964

SI. No. 1 In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178 and clause (1) of Article 179 of the

Constitution and of all powers enabling him in that behalf, the President is pleased to make the following rules, namely:-

THE GOVERNMENT SERVANTS (CONDUCT) RULES, 1964

1. Short title and commencement.- (1) These rules may be called the Government Servants (Conduct) Rules, 1964.

(2) They shall come into force at once.

2. Extent of application.- These rules apply to every person, whether on duty or on leave, within or without Pakistan, serving ina civil capacity in connection with the affairs of the Centre and to the members of an All-Pakistan Service during their employment under the Provincial Governments or while on deputation with any other Government, agency, institution or authority:

Provided that the Central Government may, by a notification in the official Gazette exempt any class of Government servants from the operation of all or any of these rules.

3. Definitions.- (1) In these rules, unless there is anything repugnant in the subject or context,-

(a)

(b)

(Cc)

"Government" means the Central Government and in respect of officers of an All-Pakistan Service serving in a Province, the Provincial Government;

"Government servant" means a person to whom these rules apply; and

"member of a Government servant's family" includes-

(i)

(ii)

his wife, child or step-child, whether residing with the Government servant or not; and

any other relative of the Government servant or his wife, when residing with and_ wholly dependent upon the Government servant, but does not include a wife legally separated from the Government servant, or a child or step-child who is no longer in any way dependent upon him, or of whose custody the Government servant has been deprived by law.

(2) Reference to a wife in clause (c) of sub-rule (1) shall be construed as references to a husband where the Government servant

is awoman.

4. Repeal of previous Conduct Rules.- The Government Servants Conduct Rules made under section 96-B of the Government of India Act, 1919, and the Secretary of State's Services (Conduct) Rules, 1942, made under sections 247(1), 250 and 269 of the Government of India Act, 1935, in so far as they applied to the persons to whom these rules apply, are hereby repealed, but such repeal shall not affect anything duly done or suffered under those rules.

OD. Gifts.- (1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of the Government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If, however, due to very exceptional reasons, a gift cannot be refused, the same may, under intimation to the Cabinet Division, be kept for official use in the Department or Organisation in which he is working].

(2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the donor, the decision of the Government thereon shall be final.

(3) If any gift is offered by the head or representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without giving offence. If, however, he cannot do so, he shall accept the gift and shall report its receipt to the Cabinet Division for orders as to its disposal.

[(4) Government servants are prohibited from receiving gift of any kind for their person or for members of their families from diplomats, consular and other foreign Government representatives or their employees who are stationed in Pakistan. If, however, due to very exceptional reasons, a gift cannot be refused, it should invariably be deposited in the Toshakhana.

(5) Government servants, except those belonging to BPS 1 to 4, are prohibited from accepting cash awards offered by the visiting foreign dignitaries. In case, however, it becomes impossible to refuse without causing offence to the visiting dignitary, the amount may be accepted and immediately deposited in the Treasury under the proper head of account.

“Subs vide Estt. Division Notification No.807(I)/79, dated 12-9-1979. @"Note.- Rule 5 may be read in conjunction with the instructions contained in the Cabinet Division O.M.No. 9/9/91-TK, dated 21-11-1991 (SI.No.7).

(6) The responsibility for reporting the receipt of a gift shall devolve on the individual recipient. All gift received by a Government servant, irrespective of their prices, must be reported to the Toshakhana in the Cabinet Division. However, the responsibility for reporting to the Cabinet Division receipt of gifts, including the names of recipients, from foreign dignitaries or delegations who come to Pakistan or when Pakistan dignitaries or delegations go abroad, shall lie with the Chief of protocol or his representative in the former case, and with the Ambassador concerned in the latter case. In the case of foreign delegations or visiting dignitaries with whom the Chief of Protocol is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts, if received, and the list of recipients to the Cabinet Division and the Ministry of Foreign Affairs.

(7) The value of gifts shall be assessed by the Cabinet Division and the monetary limits up to which and the condition subject to which, the gifts may be allowed to be retained by the recipient shall be as follows:-

(a) gifts valued upto Rs. 1,000 may be allowed to be retained by the recipient;

(b) gifts valued between Rs. 1,000 and 5,000 may be allowed to be retained by a recipient on his paying 25% of the value of the gift in excess of Rs. 1,000; and

(c) gifts of value exceeding Rs. 5,000 may, be allowed to be retained by a recipient on his paying 25% of so much of the value as exceeds Rs. 1,000 but does not exceed Rs. 5,000 and 15% of so much of the value as exceeds Rs. 5,000].

6. Acceptance of foreign awards.- No Government servant shall except with the approval of the President, accept a foreign award, title or decoration.

Explanation.- For the purposes of this rule, the expression "approval of the President" means prior approval in ordinary cases and ex-post-facto approval in special cases where sufficient time is not available for obtaining prior approval.

7. Public demonstrations in honour of Government Servants.- (1) No Government servant shall encourage meetings to be held in his honour or presentation of address of which the main purpose is to praise him.

(2) Notwithstanding anything contained in sub-rule(1) -

(a) a Government servant may, with the previous permission of his next higher officer, take part in the raising of funds to be expended for any public or charitable purpose;

(b) a Government servant may take part, with the previous sanction of the Government, in the raising of funds to be expended for any public or charitable object connected with the name of any other Government servant or a person who has recently quitted the service of the Government;

(c) the Head of a Pakistan Mission abroad, while so

posted, may attend a _ public meeting or entertainment held in his honour.

(3) When a Government servant takes part in the raising of fund in accordance with the provisions of clauses (a) and (b) of sub- rule (2), he shall be required to keep regular accounts and submit them to his next higher officer for scrutiny.

(4) Clauses (a) and (b) of sub-rule(2) shall not apply to officers of the Police Service of Pakistan and the Pakistan Taxation Service.

8. Gift to Medical Officers.- Subject to the departmental rules Governing the question, a Medical Officer may accept any gift of moderate value offered in good faith by any person or body of persons in recognition of his professional services.

9. Subscriptions.- Subject to rule 7, no Government servant shall, except with the previous sanction of the Government, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

10. Lending and Borrowing.- (1) No Government servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation, to, any person within the local limits of his authority or any person with whom he has any official dealings:

Provided that the above rule shall not apply to dealings in the ordinary course of business with a joint stock company, bank or a firm of standing.

(2) When a government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has other wise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property, or carry on business within the local limits of such authority, he shall forthwith declare the circumstances to the Government through the usual channel.

(3) Non-gazetted Government servants shall make the declaration referred to in sub-rule (2) to the head of their office.

(4) This rule, in so far as it may be construed to relate to loans given to or taken from co-operative societies registered under the Cooperative Societies Act, 1912 (Il of 1912), or under any law for the time being in force relating to the registration of Cooperative Societies, by the Government servants, shall be subject to any general or special restrictions or relaxations made or permitted by the Government.

‘[11. Buying and selling of movable and immovable property.- (1) A Government servant who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value “[Rs. 100,000 (One hundred thousand rupees)]| with any person shall apply for permission to the Head of the Department or the Secretary to the Government as the case may be. When the Government servant concerned is himself the Head of the Department or the Secretary to the Government, he shall apply through the Secretary of the Ministry concerned or the Establishment Secretary, as the case may be. Any such application shall state fully the circumstances, the price offered or demanded and , in the case of disposal other wise than by sale, the method of disposal. Thereafter such Government servant shall act in accordance with such orders as may be passed by the Government:

Provided that all transactions with a person who is an official subordinate of the Government servant should be reported to the next higher authority.

““Explanation.- In this rule, the term ‘Property’ includes agricultural or urban land, bonds, shares and securities but does not include a plot purchased “[for the first time] for building a house from a cooperative housing society or a Government housing scheme].

(2) No prior permission is necessary for buying and selling shares, bonds, saving certificate and Securities through Government sponsored organizations upto the value of “[Rs.100,000 (one hundred thousand rupees)]. However, the Government servant concerned shall have to report all such transactions in the form of a statement at the end of the each year.

“Revised rule introduced vide Estt. Division Notification No. S.R.O.1411(1)/74, dated 14-11-1974. “Subs vide Estt. Division Notification No.S.R.O. 1005(1)/98 dated 28-9-1998. Please see SI.No.17.

(3) A Government Servant who intends to acquire more than one plot from one or more Cooperative Housing Societies or Government Housing Schemes or intends to dispose of any of plot acquired by him as such shall obtain prior permission of the Government, as the case may be in the manner specified in sub- rule (1)].

11-A. Construction of building etc.- No Government servant shall construct a building, whether intended to be used for residential or commercial purposes, except with the previous sanction of the Government obtained upon an application made in this behalf disclosing the source from which the cost of such construction shall be met.

12. Declaration of property.- (1) Every Government servant shall, at the time of entering Government service, make a declaration to the Government, through the usual channel, of all immovable and movable properties including shares, certificates, securities, insurance policies and jewellery having a total value of “[Rs.50,000 (fifty thousand rupees)] or more belonging to or held by him or a member of his family and such declaration shall,-

(a) state the district within which the property is situated.

(b) show separately individual items of jewellery exceeding [Rs. 50,000 (fifty thousand rupees)] in value, and

(c) give such further information as the Government may, by general or special order, require.

(2) Every Government servant shall submit to the Government, through usual channel, an annual return of assets in

“Added vide Estt. Division Notification No. S.R.O. 1005(1)/98, dated 28-9-1998. “Subs vide Estt. Division Notification No. S.R.O. 846(1)/85, dated 5-9-1985 for the words Rs. 10,000/- (Ten thousand rupees)".

the month of December showing any increase or decrease of property as shown in the declaration under sub-rule or, as the case may be, the last annual return.

13. Disclosure of assets, immovable, movable and liquid.- A Government servant shall, as and when he is so required by Government by a general or special order, furnish information as to his assets disclosing liquid assets and all other properties, immovable and movable, including shares, certificates, insurance policies, jewellery ‘[and expenses during any period specified by such order in the form specified therein].

14. Speculation and investment.- (1) No Government servant shall speculate in investments. For the purpose of this sub- rule, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No Government servant shall make any investment the value of which is likely to be affected by some event of which information is available to him as a Government servant and is not equally available to the general public.

(4) If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub-rules, the decision of the Government thereon shall be final.

15. Promotion and management of companies, etc.- No Government servant shall, except with the previous sanction of the Government, take part in the promotion, registration or management of any bank or company:

“Added vide Estt. Division Notification No. S.R.O. 225(1)/92, dated 31-3-1992.

Provided that a Government servant may, subject to the provisions of any general or special order of the Government, take part in the promotion, registration or management of a Co-operative Society registered under the Co-operative societies Act, 1912 (Il of 1912), or under any similar law.

16. Private trade, employment or work.- (1) No Government servant shall, except with the previous sanction of the Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that he may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary artistic-character, subject to the conditions that his official duties do no thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position or obligations as a Government servant but he shall not undertake or shall discontinue such work if so directed by the Government. A Government servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of the Government:

Provided further that non-gazetted Government servant may, without such sanction, undertake a small enterprise which absorbs family labour and where he does so shall file details of the enterprise

alongwith the declaration of assets.

(2) Notwithstanding any thing contained in sub-rule (1), no Government servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by the Government.

(3) This rule does not apply to sports activities and membership of recreation clubs.

16-A. Subletting of residential accommodation allotted by Government.- No Government servant shall, except with the prior permission of the Head of the Department, sublet residential accommodation let to him by Government.

16-B. Government Servant not to live beyond his means, etc.- No government servant shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

17. Insolvency and habitual indebtedness.- A Government servant shall avoid habitual indebtedness. If a government servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt, has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened this rule unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits. A government servant who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Head of the Office or Department or to the Secretary of the Ministry, as the case may be, in which he is employed.

“17-A. Intimation of involvement and conviction in a criminal case.- If a Government servant is involved as an accused in a criminal case, he shall bring the fact of such involvement or

conviction, as the case amy be, to the notice of the head of the Office or Department immediately or, if he is arrested and released on bail, soon after such release.

18. Unauthorized communication of official documents or information.- No Government servant shall, except in accordance with any special or general order of the Government, communicate directly or indirectly any official document or information to a Government servant unauthorized to receive it, or to a non-official person, or to the press.

“Added vide Estt. Division Notification No. S.R.O.757(I)/78, dated 14-6-1978.

19. Approach to members of the Assemblies, etc.- No Government servant shall, directly or indirectly, approach any Member of the National Assembly or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

20. Management etc. of newspapers or periodicals.- No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

21. Radio broadcasts or television programmes and communications to the press.- No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, participate in a radio broadcast or television programme or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the Government servant, the security of Pakistan or friendly relations with foreign States, or to offend public order, decency or morality, or to amount to contempt of court, defamation or incitement to an offence:

Provided further that no such sanction shall be required if such broadcast or television programme or such contribution or letter is of a purely literary, artistic or scientific character.

22. Publication of information and public speeches capable of embarrassing the government.- No Government servant shall, in any document published, or in any communication made to the press, over his own name, or in any public utterance or television programme or in any radio broadcast delivered by him, make any statement of fact or opinion which is capable of embarrassing the Government:

Provided that technical staff (both gazetted and non-gazetted) may publish research papers on technical subjects, if such papers do not express views on political issues or on Government policy and do not include any information of a classified nature.

"22-A. Where a Government Servant submits the draft of a literary, artistic or scientific article or book for obtaining previous sanction for its publication, he shall be informed within three months of his doing so whether he has or has not such sanction and, if no communication is issued to him within that period, he shall be entitled to presume that the sanction asked for has been granted.

23. Evidence before committees.- (1) No Government servant shall give evidence before a public committee except with the previous sanction of the Government.

(2) No Government servant giving such evidence shall criticize the policy or decisions of the Central or a Provincial Government.

(3) This rule shall not apply to evidence given before statutory committees which have power to compel attendance and the giving of answers, not to evidence given in judicial inquiries.

24. Taking part in politics and elections.- (1) No

Government servant shall take part in subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

(2) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in Pakistan.

“Added vide Estt. Division Notification No.7/2/79-D IV, dated 10-7-1980.

(3) No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote: but if he does so, he shall give no indication of the manner in which he propose to vote or has voted.

(4) No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act ina manner in which he himself is not permitted by sub-rule (3) to act.

(5) A government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a

legislative body shall be deemed for the purpose of sub- rule (3) to take part in an election to such body.

(6) The provisions of sub-rules (3) and (5) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law, or order of the Government, for the time being in force, to be candidates at such elections.

(7) If any question arises whether any movement or activity falls with the scope of this rule, the decision of the Government thereon shall be final.

25. Propagation of sectarian creeds etc.- No Government servant shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favouritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of

“Subs vide Estt. Division Notification No.S.R.0.993(I)/76, dated 30-9-1976.

discontent or displeasure amongst the Government servants in particular and amongst the people in general.

"25-A. Government servant not to express views, against ideology of Pakistan.- No Government servant shall express views detrimental to the ideology or integrity of Pakistan.

“[25-B. Government servant not to take part in or assist, any public demonstration against Government decisions, etc.- No Government servant shall take part in, or in any manner assist, any public demonstration directed against a government decision or policy or permit any member of his family dependent on him to do so].

26. Nepotism, favouritism and victimization, etc.- No Government servant shall indulge in provincialism, parochialism, favouritism, victimization and wilful abuse of office.

27. Vindication by Government servants of their public acts or character... A Government servant may not, without the previous sanction of the Government, have recourse to any court or to the press for the vindication of his public acts or character from defamatory attacks. In granting sanction, the Government will ordinarily bear the cost of the proceedings and in other cases leave the Government servant to institute them at his own expense. In the latter case, if he obtains a decision in his favour, the Government may reimburse him to the extent of the whole or any part of the cost.

Nothing in this rule limits or otherwise affects the right of a Government servant to vindicate his private acts or character.

28. Membership of service associations.- No Government servant shall be a member, representative or officer of any association representing or purporting to represent, Government

“Added vide Estt. Division Notification No. S.R.O. 432(1)/80, dated 27-4-1980. “Added vide Estt. Division Notification No. S.R.O. 837(1)/83 dated 22-8-1983.

servants or any class or Government servants, unless such association satisfies the following conditions, namely:-

(a) Membership of the association and its office bearers shall be confined to a distinct class of Government servants and shall be open to all Government servants of that class.

(b) The association shall not be in any way connected with, or affiliated to any association which does not, or any federation of associations which do not satisfy condition

(a).

(c) The association shall not be in any way connected with any political party or organization, or engage in any political activity.

(d) The association shall not -

(i) issue or maintain any periodical publication except in accordance with any general or special order of the Government;

(ii) except with the previous sanction of the Government, published any representation on behalf of its members, whether in the press or otherwise.

(e) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in Pakistan or elsewhere -

(i) pay or contribute towards, any expenses incurred in connection with his candidature by a candidate for such election;

(ii) by any means support the candidature of any person for such election; or

(iii) undertake or assist in the registration of electors, or the selection of a candidate for such election.

(f) The association shall not -

(i) maintain, or contribute towards the maintenance of, any member of a legislative body, or of any member of local authority or body, whether in Pakistan or elsewhere;

(ii) pay, or contribute towards, the expenses of any trade union which has constituted a fund under section 16 of the Trade Union Act, 1926 (XVI of 1926).

‘[28-A. Membership of non-political associations.- No Government servant shall accept membership of any non-political association or organization whose aims and objects, nature of activities and membership are not publicly known].

29. Use of political or other influence.- No Government servant shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on the Government or any Government servant in support of any claim arising in connection with his employment as such.

30. Approaching foreign Missions and _aid-giving agencies.- No Government servant shall approach, directly or indirectly a foreign mission in Pakistan or any foreign aid-giving agency to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad.

31. Delegation of power.- The Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order,

“Added vide Estt. Division Notification S.R.O. No. 1809(K), dated 8-9-1969.

prescribe the channel through which reports shall be made to the Government and the officers receipt by whom of such reports shall be regarded as receipt of the reports by the Government within the meaning of these rules.

32. Rules not to be in derogation of any law, etc.- Nothing in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

[Authority.- Estt. Division Notification No. S.R.O.405(K)/64, dated 1-5-1964].

Delegation of powers to Secretaries to Government under the Government Servants (Conduct) Rules, 1964

SI. No. 2

In exercise of the powers conferred by rule 31 of the Government Servants (Conduct) Rules, 1964, the Central Government is pleased to delegate to the Secretaries to the Government of pakistan the powers of the Central Government under rules 23 and 27 of the said Rules, in respect of the officers and staff working under their administrative control.

[Authority.- Estt. Division Notification No.3/10/65-Dll, dated 19-7-1965].

SI. No. 3

The Central Government has been pleased to delegate to the Secretaries to the Government of Pakistan the powers of the Central Government under rule 21 of the Government Servant (Conduct) Rules, 1964, in relation to the Heads of Departments and the Government servants under their administrative control, and to the Heads of Departments in respect of the officers and staff working under them.

[Authority.- Estt. Division O.M.No.3/10/65-D.II, dated 27-8-1966]. Interpretation of the term "Government" as defined in the Government Servants

(Conduct) Rules, 1964

SI. No. 4

The term "Government" has been defined in rule 3 (a) of the Government servants (Conduct) rules, 1964 as the "Central Government" and in respect of officers of an All-Pakistan Service serving in a Province, the Provincial Government. A question has arisen as to whether the term "Central Government" for the purpose of these Rules means the Central Government in the Establishment Division or the Central Government in each administrative Ministry/Division.

2. The matter has been considered in consultation with the Law Division and it has been held that the term "Government" appearing in the Government Servants (Conduct) Rules, 1964 means the Central Government in any Ministry/Division. This means that ordinarily an officer in each administrative Ministry/Division is to be granted permission under any rule of the Government Servants (Conduct) Rules, 1964 from that Ministry/ Division.

3. Ministries/Divisions are therefore advised:- (a) to dispose of individual cases under the Government

Servants (Conduct) Rules, 1964 in the light of the above interpretation instead of referring such cases to

the Estt.Division.

(b) to consider internal delegation of powers below the rank of Secretaries/Acting Secretaries so that cases may be decided at appropriate level and all cases are not referred to the Secretary of a Ministry/ Division.

4. Cases involving interpretation of the Conduct Rules will, however, continue to be referred to the Establishment Division for advice.

5. Cases of officers belonging to an All-Pakistan Service who are serving, for the time being, in a Province, should be decided by the Chief Secretary of the Province concerned. Provincial Governments may also like to consider further delegation of powers so that cases can be decided at appropriate level and every case is not referred to the Chief Secretary.

6. This supersedes all previous orders on the subject.

[Authority.- Estt. Division O.M.No.26/1/69-D-lV, dated 17-12-1969].

ADMINISTRATIVE INSTRUCTIONS RELEVANT TO THE GOVERNMENT SERVANTS (CONDUCT) RULES, 1964

Procedure for the acceptance of gifts and their disposal

SI. No. 5

The question relating to the modification of the existing rules regarding acceptance of gifts and their disposal (Annexure) has been under consideration for some time past with a view to evolving a procedure in respect of:-

(a) how and by whom the receipt of a gift should be reported to the Cabinet Division?

(b)

(c) (d)

ensuring that all gifts are promptly reported and a machinery is created to detect cases of failure to report,

the evaluation of the gifts, and

their disposal

2. The matter has been examined in depth and the Government has taken the decisions as under:-

(i)

The responsibility for reporting the receipt of a gift shall continue to devolve on the individual recipient under the normal rules. The following procedure will, however, be adopted to know the details of the gifts presented by a VIP alongwith the names of the recipients so that failure on the part of a particular individual to report the gift can be detected and a reminder issued to him to comply with the rules.

The gifts are generally given when foreign dignitaries or delegations come to pakistan or our VIPs or delegations go abroad. If the Chief of protocol or his representative has been attached to a visiting dignitary or a foreign delegation, it shall be his responsibility to supply a list of the gifts together with the names of the recipients to the Cabinet Division. In the case of other delegations or visiting dignitaries with whom the Chief of Protocol is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts received and the list of recipients to the Cabinet Division and the Ministry of Foreign Affairs. In the case of Outgoing delegation or visits abroad of our VIPs it shall be the responsibility of the Ambassador of Pakistan in the country concerned to report the receipt of the gifts together with the name of the recipient to the Cabinet

(ii)

(ii)

Division through the Ministry of Foreign Affairs. If on checking the list it is found that an individual has not reported the receipt of a gift appropriate action shall be taken against him.

The evaluation of a gift is a complicated matter. The gifts cannot be evaluated on the basis of the prices prevailing in Pakistan. They shall be evaluated on the basis of the price prevailing in the country of the origin. Due care shall be taken in accepting the price quoted by the individuals concerned. In the case of carpets, crockery, watches, jewellery and cameras, the evaluation cannot be made with out inspection. The price of carpets of the same size would be vastly different depending on the quality etc. A Committee under the Chairmanship of the Cabinet Secretary and consisting of Secretary (Admn) Ministry of Foreign Affairs and a representative of the Ministry of Finance not lower than the level of Joint Secretary as members to evaluate the prices in the case of articles where there is doubt about the price quoted by the recipient himself has been set up. This committee shall, in future, evaluate such gifts.

Presents of high value and/or of superior quality which are fit for display, shall be properly catalogued and then displayed in show cases placed in the public rooms of the new Foreign Office. Such articles shall have a double entry one under Toshakhana Register and the other under the Foreign Ministry Register. Similarly, carpets etc. or other articles which can be utilized in the office rooms of the President or Prime Minister shall be transferred to the Presidency/Prime Minister's House and Foreign Office after making necessary double entries. Once a year, preferably in the first week of January, stocks shall be taken of those items and a report submitted to Cabinet Secretary. The Chief of Protocol shall be responsible for this action in the

(iv)

(v)

(vi)

[Authority.

Ministry of Foreign Affairs. Military Secretary to the President and the Military Secretary to the Prime Minister shall take similar action in the Presidency and the Prime Minister's House.

Articles which are not fit to be retained or displayed shall be disposed of by periodical sales under the orders of the Committee set up earlier. The Committee will assess and fix minimum price of the article before it is auctioned. If the article bears the crest of the country to which the visiting dignitary belongs, then it would not be proper to sell it by open auction. In such cases offers may be invited from Government servants and other restricted groups only.

The present limits fixed for retaining the gifts by the recipients of all categories are raised to Rs.1000.

If a recipient wants to retain gift worth more than the limit mentioned above, he may be allowed to do so on payment of the difference after evaluation of a gift in accordance with sub-para (ii). It shall first be offered for sale to the person who received it from a foreign dignitary.

- Cabinet Division O.M.No.11/3/72-Accounts(l)-TK, dated 27-10-1973].

ANNEXURE

l.- RULES FOR THE ACCEPTANCE OF GIFTS BY THE FEDERAL MINISTERS RULE 9 OF THE RULES

AND STANDARDS OF CONDUCT FOR MEMBERS OF THE PRESIDENT'S COUNCIL OF MINISTERS

9. (1) subordinates.

A Minister should not receive any gift from his

(2) Subject to the above, it is left to the discretion and good

sense of the Minister to decide on each occasion whether it is advisable or desirable that he should accept a gift or not.

(3) The gift accepted may be retained by the Minister if its value does not exceed ‘Rs.1000:

“Revised Rules of Tosha Khana Receipt and Disposal of Gifts communicated vide Cabinet Division U.O.No.9/16/99-TK, dated 11-9-1999 (SI.No.6).

(4) The gift worth more than ‘Rs. 1000 should be reported to the President in the Cabinet Division. If the recipient Minister wants to keep it for himself he may do so provided he pays the difference between the actual price and ‘Rs.1000. The Minister may, if he does not wish to retain it, send it to the Toshakhana.

(5) No gifts except small mementoes like cuff-links and photographs etc, received from foreign dignitary/dignitaries in exchange for gifts carried/presented at government expense, shall be retained by the Minister. All such gifts shall be deposited in the Toshakhana. If a Minister wishes to retain some or all of the gifts he shall pay the price of the gifts in question as determined by the Toshakhana Evaluation Committee.

(6) This rule will also apply to the wife and dependents of a Minister.

Il. RULES FOR THE ACCEPTANCE OF GIFTS BY THE GOVERNMENT SERVANTS

Extracts from the Government Servants (Conduct) Rules, 1964

5. Gifts.- (1) Save as otherwise provided in this rule, no government servant shall, except with the previous sanction of the Government accept or permit any member of his family to accept, from any person any gift

the receipt of which will place him under any

form of official obligation to the donor. If the offer of a gift cannot be refused without giving undue offence, it may be accepted and delivered to the Government for decision as to its disposal.

(2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the donor, the decision of the Government thereon shall be final.

“Revised Rules of Tosha Khana Receipt and Disposal of Gifts communicated vide Cabinet Division U.O.No.9/16/99-TK, dated 11-9-1999 (SI.NO.6).

(3) If any gift is offered by the head or representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without giving offence. If, however, he cannot do so, he shall accept the gift and shall report its receipt to the Cabinet Division for orders as to its disposal.

[(4) Government servants are prohibited from receiving gift of any kind for their person or for members of their families from diplomats, consular and other foreign Government representatives or their employees who are stationed in Pakistan. If, however, due to very exceptional reasons, a gift cannot be refused, it should invariably be deposited in the Toshakhana].

Rules for the receipts and disposal of gifts by Government servants, employees of Government controlled corporations, autonomous and semi- autonomous bodies and nationalized institutions

SI. No. 6

Receipt and Disposal of Gifts:- Monetary limit fixed for retention of gifts by the recipients are as under:-

a) Gifts valued upto Rs.1,000/- are allowed to be retained by the recipients free of cost.

b) Gifts valued between Rs.1,000/- and Rs.5,000/- may be retained by the recipients if he is willing to pay 25% of the valued of the gift after deducting Rs.1,000/- from its assessed value.

C) Gifts of the value beyond Rs.5,000/- may be allowed to be retained by the recipient if he is willing to pay 25% of the value between Rs.1000/-

“Subs vide Estt. Division Notification No. S.R.O. 807(1)/79, dated 12-9-1979.

and Rs. 5,000/- and 15% of the valued above Rs.5,000/- recipient.

(2) The Head of Account of Toshakhana in which the amount are to be deposited is:-

"1300000-Misc.Receipt.

1390000-Other, (NES)

1391800-Other Receipt (NES).

1391802-Other Receipt, sale proceed of darbar presents (Central)"

(3) The Government official except those in BS-1 to 4 are prohibited from receiving cash awards from visiting foreign dignitaries. In case it is not possible for the officials to refuse the acceptance of offer without causing offence to the visiting dignitary, the amount so received should be deposited in the treasury.

(4) The responsibility for reporting the receipt of the gifts shall devolve on the individual recipients. However, if the Chief Protocol of his representative is attached to a visiting dignitary or a delegation, it is his responsibility to supply the details of the gifts and the names of the recipients to the Cabinet Division for further necessary action. In case of a dignitary or a delegation with whom the Chief of Protocol is not associated, the Ministry sponsoring the visit is responsible to furnish such details.

(5) The Government servants are prohibited from receiving

gifts of any kind for their persons or for members of their families from diplomats, consular and other foreign Government representatives or their employees,stationed in Pakistan. If, however, due to very exceptional reasons the gifts can not be returned, it should be deposited in the Toshakhana. These instructions however, would not apply to gifts/donations made to institutions.

(6) Government Servants (Conduct) Rules, 1964 are also applicable in case of acceptance of gifts by the Government Servants. All gifts received by a Government servant, irrespective of their price, must be reported to the Cabinet Division. Acceptance of gifts by the Government servants from the private firms/individuals is_ strictly forbidden.

(7) These rules also apply to the employees of the Government controlled corporations, autonomous and_ semi- autonomous bodies and all nationalized institutions.

[Authority.- Communicated vide Cabinet Division U.O.Note No.9/16/99-TK, dated 11-9-1999].

SI. No. 7

It has been observed that despite instructions issued from time to time, the policy laid down in many cases is not being followed in respect of gifts received by Government functionaries. The relevant extract from Toshakhana rules are once again circulated for compliance by all concerned.

2. The responsibility for reporting receipt of gifts rests with the individual recipient. All gifts received irrespective of their value must be reported to the Toshakhana in the Cabinet Division, Government of Pakistan. Government officials are also barred from receiving gifts of any kind from the diplomatic, Consular and other foreign Government representatives in Pakistan or commercial concerns.

3. Cases have come to notice of the Cabinet Division where some recipients did not intimate the receipt of the gifts on their own or

they did so very late. It has also been observed that some Government functionaries have been accepting gifts from private firms/parties in contravention of the existing instructions.

A. All Ministries/Divisions are, therefore, once again requested to advise officials working under their control to strictly observe the Rules on the subject. These rules also apply to the Federal Ministers, Ministers of State, Advisers, Governors, Chief Ministers and Provincial Ministers.

[Authority.- Cabinet Division O.M. No. 9/9/91-TK dated 21-11-1991]

Presentation of gifts by the Government and Semi- Government Corporations

SI. No. 8

It has been observed that certain Government and semi- Government corporations are sending gifts like ties to the Ministers and to senior officials. It is requested that necessary instructions may please be issued to all the autonomous and semi-autonomous bodies under your administrative control to discontinue this practice forthwith.

[Authority.- Cabinet Division D.O.letter No.102/5/74-Min, dated 31-1-1974].

Bar against demanding dowry and acceptance of gifts on occasions of marriages

SI. No. 9

Attention is invited to rule 5(1) of the Government Servants (Conduct) Rules, 1964, according to which no government servant shall, except with the previous sanction of the Government, accept or permit any member of his family to accept from any person any gift the receipt of which may place him under any form of official obligation to the donor. It has been found that this rule is not being observed by government servants and a number of cases have recently come to notice in which Government servants have accepted, particularly on occasions of marriage, expensive gifts from persons with whom they have or are likely to have official dealings. It has also been observed that Government officials demand expensive dowries at the time of marriage and even display such dowries and gifts before large gatherings. The Committee on the Eradication of Social Evils has deplored the practice of demanding and displaying dowries and gifts on occasions of marriage as it encourages lavish expenditure and ostentatious living.

2. In view of the increasing tendency to demand and display dowries and to accept expensive gifts, Government have decided that Rule 5 (1) of the Government Servants (Conduct) Rules should be enforced more rigorously and Government servants should be directed to avoid lavish expenditure on marriage and other ceremonies and to desist from demanding or displaying dowries or accepting gifts from persons other than those who are closely related to them.

[Authority.- Estt. Division O.M. No. 3/8/67-D.II, dated 27-6-1967].

Bar against acceptance of gratification by Grade 1-3 employees on occasions of Eid etc. from public

SI. No. 10

Allegations have come to the notice of Government that on occasions of Eid and other national festivals, Grade 1-3 employees of certain Government Departments like the Post Offices, Telegraphs, Income Tax, Customs Departments etc., pester people for money and other gratifications. Government view such malpractices with extreme displeasure and wish to re-emphasize the necessity of stopping forthwith such practices, wherever they exist and in what ever form or shape.

2. In this connection attention of the Ministries/Divisions is invited to clause 1 of Rule 5 of the Government Servants Conduct

Rules which provides, inter alia, that a Government servant shall not, except with the previous sanction of the Government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. [If, however, due to very exceptional reasons, a gift can not be refused, the same may, under intimation to the Cabinet Division be kept for official use in the Department or Organisation in which he is working].

“Amended according to Rule 5(1) of the Government Servants Conduct Rules, 1964.

3. It is requested that all the Ministries/Divisions may kindly bring the above instructions home to all the Grade 1-3 employees under their control including those employed in the Departments, etc., under them, and take effective steps to eradicate such evil practices.

[Authority.- Estt. Division O.M. No. 4/11/62-D.II, dated 14-4-1962].

Acceptance of foreign trips sponsored by commercial firms

SI. No. 11

It has come to the notice of the Government that Government servants accept offers of foreign trips through the generosity of parties who have commercial dealings with Government Departments or autonomous bodies. Besides being unbecoming of a Government servant, acceptance of such offers tends to place him under official obligation to the party concerned which is not conducive to good administration. It has therefore, been decided that Government servants should attempt to avoid acceptance of offers of such trips. If in any case it is not considered desirable to refuse such an offer in public interest prior permission of the Establishment Division and the Ministry of Finance should invariably be obtained for its acceptance.

2. Ministries/Divisions are requested kindly to bring this to the notice of all concerned.

[Authority.- Estt. Division O.M. No 3/8/66-D.II, dated 13-8-1966].

Acceptance of foreign awards by Government Servants

SI. No. 12

It is noted with regret that contrary to the laid down instructions, there have been several instances where Government servants have accepted title, honour or decoration from foreign states. Invariably the excuse for having accepted awards by Government servants in ignorance of the rules.

2. The competent authority has taken serious notice of this tendency and has been pleased to direct that all Ministries/ Divisions/Departments may be asked to disseminate the rule position to Government servants for strict compliance. The Ministries/Divisions are requested to please bring the rule position as defined in Section 6 of the Government Servants (Conduct) Rules, 1964 and Article 259 (1) of the Constitution of Pakistan, to the notice of all employees working under them and also to the employees of autonomous statutory bodies under their administrative control.

[Authority.- Estt. Division O.M. No. 6/10/88-D-3, dated 3-10-1988].

Holding of farewell parties on the occasion of transfers of Government Servants in their honour

SI. No. 13

Attention is invited to "Rule 3 of the Government Servants Conduct Rules according to which a Government servant shall not, without the pervious sanction of the Local Government, receive any complimentary or valedictory address, or take part in the presentation of a complimentary or valedictory address or attend a public meeting, or entertainment held in the honour of such other Government servant or to any person. Under sub-rule 2(c) of the same rule, no Government servant shall solicit any subscriptions in aid of a fund raised for non-official purposes. Instructions in amplification of this

rule issued in the Establishment Division O. M. No. 4/39/61-EVI, dated the 26th July 1961 (SI. No. 15) enjoin that subscriptions which tend to glorify a particular

"Rule 7 of the Government Servants (Conduct) Rules, 1964 may be referred to in the present context.

Government official should be discouraged. In view of this, the conduct of Government servants who encourage non-officials to give big farewell parties on the occasion of their transfers, or who take interest in promoting a large number of pointless functions and inauguration 'ceremonies would attract the provisions of 'Rule 3 of the Government Servants Conduct Rules.

2. It is, therefore, requested that the Ministries/ Divisions/Provincial Governments may kindly bring the above rule and instructions to the notice of all Government servants and put a stop to this tendency among them. It may also be emphasized that breach of this rule will make them liable to be proceeded against under the Government Servants (Efficiency and Discipline) Rules.

[Authority.- Estt. Division Letter No. 4/4/63-D.II, dated 15-3-1963].

SI. No. 14

In rule 7 (I) of the Government Servants (Conduct) Rules, 1964 it has been laid down that no Government servant shall encourage meetings to be held in his honour or presentation of addresses of which the main object is to praise him.

2. A question has been raised whether cases of Government servants who are invited as chief guests would come within the mischief of this rule.

3. The main object of this rule is to discourage Government servants from accepting invitation to parties where they will be chief guests. In cases where acceptance of such invitations are considered to be unavoidable, the official concerned should take permission from the next higher authority. When the Government

servant concerned is the Head of the Department or Secretary to the Government he will obtain permission through the Secretary of the Ministry concerned or the Establishment Secretary as the case may be.

[Authority.- Estt. Division O.M. No. 3/8/68-D.VII (DIV), dated 27-9-1969].

"Rule 7 of the Government Servants (Conduct) Rules,1964 may be referred to in the present context. Raising of subscriptions for functions, etc.

SI. No. 15

Enquiries are frequently received' from _ various Ministries/Divisions on the point whether Government servants may participate in the raising of funds for functions such as receptions, etc. The matter has been considered and the Government have decided that whenever officials undertake to collect subscriptions for cultural and other non-official purposes, the permission of the next higher authority must invariably be taken. This would not apply naturally to the Basic Democracies.

2. A question has, however, arisen as to what criteria should be fixed for the guidance of the next higher authority in considering cases for such permission. The point is still under consideration and the decision on this point when arrived at will be communicated in due course. In the meanwhile, the next higher authorities should naturally exercise their discretion in this regard keeping in view the basic objectives of the order which is meant to put a check on indiscriminate raising of subscriptions for purposes which are not necessary from the point of view of the community as a whole. Any subscriptions which tend to glorify a particular Government official should be specifically discouraged.

[Authority.- Estt. Division O.M. No.4/63/59-E.VI, dated 5-11-1960 and O.M.No.4/39/61-EVI, dated 26-7-1961].

SI. No. 16

In

continuation of the Establishment Division Office

Memorandum No. 4/39/61-E.VI, dated the 26th of July, 1961, the following further criteria have been laid down by Government to regulate the rising of funds by Government servants:

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The 'next higher authority' for the purposes of permission should be the next higher officer of the Government servant concerned, but where the next higher officer is below the rank of a Head of Department, the permission of the Head of the Department concerned should be obtained through the next higher officer;

No coercion or pressure should be used in the raising of funds-the basis of the campaign should be kept purely voluntary and every precaution should be taken to keep this unconnected with official matters;

The Police and Income-Tax authorities should be prohibited from taking part in any collection of funds;

Collection of funds should take place outside office hours and it should not interfere with or hamper in the performance of the official duties of the Government servants concerned;

The authority permitting the raising of funds should satisfy itself that these are utilized for the purposes for which these have been collected;

Funds should be collected to the extent it is necessary and care should be taken to see that the public are not unnecessarily burdened;

Foreign establishments and firms should not be individually approached but if in response to a general appeal for funds, they voluntarily contribute, this should be accepted; and

(viii) | All Subscriptions should be duly receipted, accounted for and the accounts submitted to the higher officer for scrutiny.

[Authority.- Estt. Division O.M.No. 4/39/61-D.II, dated 28-4-1962].

Grant of permission for acquisition of property (movable and immovable) by Government Servants

SI. No. 17

Clarifications to rule 11 of the Conduct Rules, 1964.- The following clarifications are issued for guidance of _ the Ministries/Divisions in partial modification of the instructions contained in Establishment Division O.M. No. 3/17/67-D.Il, dated the 28th September, 1967 and with reference to the amendments made in the Government Servants (Conduct)Rules, 1964 vide S.R.O. No. 211 (R)/68:-

(a) for purchase of land from Co-operative Housing Society or Government Housing Scheme no permission of the Government is necessary, but for construction of house on the same plot, permission of Government will be required under rule 11-A of the Government Servants (Conduct) Rules;

(b) for purchase of bonds, shares or securities from the approved security market, a semi-Government institution or through public offer by a company prior permission is not necessary. Permission will, however, be necessary if the purchase is made from sources other than these mentioned above; and

(c) If the wife of a Government servant finances construction of a house from her independent sources of income permission of the Government will not be

required. But if financial arrangements are being made by the Government servant either from his own savings or from loan taken by him prior permission should be obtained even if the house to be constructed is in the name of the wife or any dependent member of the Government servant.

[Authority.- Estt. Division O.M.No. 3/17/67-D.VII,(D-IV), dated 6-8-1969].

Prescribed form for permission regarding acquisition/disposal/ construction of immovable property

SI. No. 18

Requests from officers/officials for permission in regard to acquisition/disposal/construction of immovable property should be decided by the Ministries/Divisions concerned after obtaining the necessary information on the prescribed form.

[Authority.- Estt. Division O.M. No. 3/47/70-D.IV, dated 10-12-1970].

SI. No. 19

The proforma for obtaining information from officers/officials for permission in regard to acquisition/ disposal/construction — of movable/immovable property has been revised in order to make it elaborate. Requests from the officers/officials for permission in this regard may henceforth be decided by the Ministries/Divisions concerned after obtaining the necessary information in the revised proforma, a copy of which is enclosed (Annexure).

2. As regards the officers belonging to the groups controlled by the Establishment Division, namely APUG and OMG, information as in the proforma may be obtained from the officers concerned and forwarded to this

Division for necessary action alongwith their applications, (Annexure).

[Authority.- Estt. Division O.M. No.3/47/70-D.IV, dated 29-8-1978].

Anexure to be scanned.

Acquisition of immovable property by Government servants posted/employed in Pakistan Missions abroad

SI. No. 20

The question of acquisition of assets in the form of immovable property by Pakistanis residing abroad has been under consideration of the Government for sometime past, Pakistani nationals residing abroad fall into the following broad categories:-

(a) Pakistani nationals who have more or less settled down abroad. Such persons may be employed there or may be carrying on some _ independent business or profession;

(b) Government servants who are Pakistani nationals employed in our Embassies/Missions abroad;

(c) Pakistani nationals employed in branches or subsidiaries abroad of Pakistani Companies/firms.

2. There is no objection to Pakistani nationals who have settled down abroad acquiring immovable property or foreign shares and securities by resorting to bank borrowings from their own resources provided no exchange liability is created for remittance from Pakistan at any stage. If and when such persons return to Pakistan they will have to transfer the income and the sales-proceeds of such properties to Pakistan as required in terms of the provisions of the Foreign Exchange Regulation Act, 1947. There would also be no objection if the branches of Pakistani banks operating abroad give loans and advances to Pakistani settlers abroad for the purpose of acquiring properties abroad provided these advances and interest thereon are recovered entirely in foreign exchange and no exchange liability is created for remittance from Pakistan as stated above.

3. As regards Government servants who are Pakistani

nationals employed in our Embassies/Missions abroad or other Government servants posted on duty or training abroad, they should be discouraged from acquiring properties or foreign shares and securities abroad. The remuneration with such persons receive is intended to cover their living and other incidental expenses. If an official can manage to save funds out of his remuneration such savings should be remitted to Pakistan rather than used for acquiring properties and foreign shares and securities abroad.

4. Some Pakistani banks, companies and firms have been permitted to establish branch offices or subsidiaries abroad. In some cases Pakistani Nationals have been employed in such branch offices or subsidiaries abroad. They should also like Government servants transfer their savings, if any, to Pakistan instead of acquiring assets abroad.

5. The above is being circulated to Pakistan Embassies/High Commissions/Consulates, etc. to enable them to extend correct guidance to Pakistani nationals who may approach them in this behalf.

6. These instructions are also being sent to the various Ministries and Departments of the Government and Semi-Government institutions to bring the same to the notice of their officers who are or may be posted abroad.

[Authority.- Finance Division O.M.No.1(14)-EF/EXP/62, dated 19-8-1963].

Declaration of assets

held and acquired by Government Servants and Corporation Employees

SI. No. 21

Instructions regarding Declaration of Property and Assets have been issued from time to time, but unfortunately these have been

either insufficiently understood or dealt with in routine. As a result, the compliance of these instructions by the Ministries/ Divisions/Departments etc. and by the officials themselves has remained sporadic. The President has also taken notice of this unsatisfactory state of affairs.

2. The instructions on the filing of Declaration of Assets have been revised and consolidated for strict compliance by all concerned, as follows:-

(I) The Declaration of Assets are to be submitted by - (a) all government servants of all grades, (b) all re-employed government servants, (c) all persons employed on contract,

(d) Provincial civil servants and_ corporation employees serving on deputation in the Federal Government,

(e) all officers and employees of corporations/ autonomous bodies set up and/or controlled by the Federal Government.

(f) commissioned and non-commissioned officers of the Armed Forces serving on secondment in civil posts and in corporations/autonomous bodies.

(II) (a) The Declaration of Assets should be submitted by all concerned on first appointment and thereafter annually on 31st December each year, on the attached proforma which should be filled in and signed by the Declarant himself.

(b) The revised proforma for declaration of assets

provides for affixing of photographs of all officers of Grade-17 and above on the first submission of declaration of assets under these instructions.

(III) | The Declarations are to be made in respect of Property and Assets held in the name of government servant himself and members of his family as defined in Rule 3(1) (c) of the Government Servants (Conduct) Rules, 1964 (as amended), reproduced below:-

"Member of a Government servant's family" includes-

(i) his wife, child or step-child, whether residing with the Government servant or not; and

(ii) any other relative of the Government Servant or his wife, when residing with and_ wholly dependent upon the Government servant, but does not include a wife legally separated from the government servant, or a child or step-child who is no longer in any way dependent upon him, or of whose custody the Government Servant has been deprived by law.

(IV) The Declaration should include the description/ details of immovable property such as land, houses required, built, or under construction including the property which is under mortgage or which is otherwise encumbered and movable property such as motor vehicles, investment or ownership (part or otherwise) of business enterprises, stocks, shares, securities, certificates, prize bonds, insurance policies and jewellery having a total value of Rs. [50,000] or more, in terms of Rule 12 of the Government Servants(Conduct) Rules.

“Revised vide Estt. Division Notification No.S.R.O. 846(I)/85 dated 5-9-1985.

(V) = (a) It will be responsibility of Ministries/

(VI)

(b)

(a)

(b)

Divisions/Departments/Corporations/Autonomous bodies to obtain the declaration of assets in respect of persons serving under them. Failure to file the declarations on the prescribed date or within fifteen days thereof construed as misconduct and the defaulters will be liable to disciplinary action under the Rules. Action against the defaulting persons will be taken by the respective Ministries/Divisions/ Departments/ Organizations etc. under whom the official is serving for the time being in accordance with the relevant disciplinary rules.

A certificate to the effect that such declarations have been obtained from all officials should be forwarded to the Establishment Division by all Ministries/ Divisions/Departments by 1st March of each year.

The Declaration of Assets should be maintained and handled in the same manner as the confidential reports. These should be kept on separate files for each individual official and maintained as companion files of the C.R. dossiers of the officials concerned. The declaration of assets of the officials whose C.R. dossiers are not required to be maintained under the relevant instructions, should be kept in the above manner as companion files to their service books.

The Ministry/Division/ Department/ Corporation or autonomous body which maintains the original C.R. dossier/ Service Books of the officers/staff will be responsible for custody and maintenance of the files of Declaration of Assets in the prescribed manner.

(c) For this purpose the Declarations should be forwarded, alongwith lists to the respective Secretaries of the Ministries/Divisions/Heads of Attached Departments/ Corporations/ Autonomous Bodies who are responsible for the maintenance of the C.R. dossiers of the concerned officials by 1st March of each year.

(VII) Under a directive of the President, the Secretaries of the Ministries/Divisions and Heads of Departments etc. are to be held responsible for any case of corruption in the Ministry/Department etc. under them. In cases where the Secretary has reasons to believe that the assets have not been correctly reported, or are in excess of known means of income, as may order an investigation through an internal inquiry or by FIA, to be followed by proceedings under disciplinary rules in the event of such charges having been prima _ facie established.

3. The various instructions issued from time to time, regarding filing of Declaration of Assets are deemed to have been modified to the extent stated above.

4. The Ministries/Divisions may please bring these instructions to the notice of the officials serving under them and the Attached Departments/sub-offices and Heads of Corporations/Autonomous bodies for compliance.

[Authority.- Estt. Secretary's D.O.letter No.2/2/81.D.A/D.1, dated 19-9-1982].

ANNEXURE

S-121 (Revised) (Loose) Declaration of Assets for the

year ending on 31st December, 20 /on

(initial appointment)

PHOTOGRAPH (To be affixed by officers in BPS 17 & above only on the

first declaration under the revised instruction).

1. Name and designation with BPS 2. Occupational Group (if any). 3. Name of Organization where serving. DECLARATION | S/o

hereby declare that the Assets, immovable and movable described in the proforma overleaf duly signed, are held by me and members of my family [‘family’ as defined in Rule 3(1) (c) of the Government Servants (Conduct) Rules, 1964] on 31st December, 20 /on (the date of initial appointment).

Signature Designation

Rules 3(1) (c) of Government Servants (Conduct) Rules, 1964.

"Member of a Government servant's family" includes:-

(i) his wife, child or step-child, whether residing with the Government servant or not; and

(ii) any other relative of the Government servant or his wife, when residing with and wholly dependent upon the Government servant, but does not include a wife legally separated from the Government servant, or a child or step-child who is no longer in any way dependent upon him or of whose custody the Government servant has been deprived by law."

Reference to a wife shall be construed as reference to a husband where the Government Servant is a woman.

For the year ending 31st December, 20 S-121(Revised) (Loose)

PROFORMA

lyeeenwetenets SlOvesevcsces Employed it) 00... ceeceessseeseeeeeeeeseeeeeeeees hereby declare that no immovable and movable property, i.e, bonds, shares, certificates, securities, insurance policies and jewellery having a total value of Rs [50,000Jor more is held by me and members of my family, except as stated below:-

In whose name Province & District in Nature of property Approximate value | How acquired Remarks which the property is and extent of interest | of property whether by purchase, situated gift or by inheritance

Members of family.- As defined in Rule 3(1) (c) of Government Servants (Conduct) Rules, 1964 SiQnature ...... eect eeeeeeeeee

Designation ....ceeeeeeeeeee

“Subs vide Estt. Division d.o. No. 2/1/84-DA, dated 24-10-1985 for the figure "10,000".

SI. No. 22

In continuation of Establishment Division's d.o. letter of even number dated the 19th September, 1982 (SI.No.21) it is requested that while submitting the declaration of Assets the following obligations should be observed:-

(i)

(ii)

(ii)

(iv)

(v)

The Declaration of Assets should be submitted by all concerned on first appointment, and thereafter annually on 31st December each year on calendar year basis.

The officers of Grade 17 and above will affix their photographs with the Declaration of Assets to be submitted by 31st December each year.

The declaration of assets belonging to officers of APUG/OMG only will be forwarded to the Establishment Division by all Ministries/ Divisions.

A certificate to the effect that such declarations have been obtained from all officials should be forwarded to the Establishment Division by all the Ministries/Divisions by ist of March each year. The controlling Ministries/Divisions will submit a consolidated certificate in respect of Departments etc. controlled by them.

It will be the responsibility of Ministries/ Divisions/ Departments/ Corporations/ autonomous bodies to obtain the declaration of assets in respect of persons serving under them, and take disciplinary actions against the defaulting officers/ officials who do not submit each declarations by the prescribed date or within fifteen days thereof.

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[Authority.- Estt. Division Circular No. 2/2/81-DA, dated 11-10-1982].

SI. No. 23 It is clarified that:-

(i) The declaration of assets will be opened by the concerned Secretaries of the Ministries and Divisions/Head's of the Attached Departments or by the persons authorized by them.

(ii) Each Ministry/Division would be responsible for the filing and maintenance of Declaration of Assets in regard to the posts and services administered by it.

[Authority.- Estt. Division Circular No.2/2/81-DA, dated 1-1-1984].

SI.No. 24

The private practice by unqualified practitioners, will continue to apply. Further, the private practice of homeopathy by the Government Servants who are registered under the Unani, Ayurvedic and Homeopathic Practitioners Act 1965, will be subject to rule 16 of the Government Servants (Conduct) Rules, 1964.

[Authority.- Estt. Division O.M.No.6/7/89-D.3, dated 15-3-1990].

Transaction of insurance business by government servants

SI. No. 25

It has been brought to the notice of the Government that certain Government servants transact insurance business on behalf of

)

their wives, sisters and other members of family living with or dependent upon them in whose names they have managed to secure agencies of insurance companies. Since during performance of official duties such Government servants come across other Government servants and private parties, they manage to obtain insurance policies from them by taking undue advantage of their official position. This state of affairs not only brings disrepute to the departments to which they belong, but also distracts their attention from official duties and retards their efficiency.

2. According to Rule 16 of the Government Servants (Conduct)Rules, 1964, no Government servant can engage himself in any trade or business, directly or indirectly, without the previous sanction of the Government. Such transactions, therefore, constitute a violation of that rule and render the Government servants concerned liable to disciplinary action under the Government Servants (Efficiency and Discipline) Rules.

3. Ministries/Divisions are advised that it should generally be made known to all concerned that Government view this situation with concern and desire that Government servants who indulge in this business indirectly through their family members should abandon it forthwith.

[Authority.- Estt. Division O.M.No.3/9/66-D.II, dated 15-8-1966].

Private work during and after office hours

SI. No. 26

It has been brought to the notice of the Prime Minister that in order to supplement their income, a large number of low paid

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Government Servants do private work in addition to their Government jobs. Some of them work as ushers in the afternoon, evening and night shows of cinemas while others are often absent from their jobs under Government as they attend to private work even during office hours.

2. Government work inevitably suffers on account of these Government servants performing private jobs during or outside office hours. It also aggravates the unemployment problem. The Prime Minister has, therefore, been pleased to direct that action should be taken to put a stop to this objectionable trend among Government servants.

[Authority.- Estt. Division O.M. No.1/20/76-D-IV, dated 6-3-1976].

Employment of dependent family members of a Government servant in Foreign Missions in Pakistan

SI. No. 27

A question has arisen whether dependent family members of a Government servant can seek employment in Foreign Mission in Pakistan. The matter has been considered and it has been decided that Government servants should not allow their wives to seek employment in Foreign Diplomatic Missions in Pakistan.

[Authority.- Estt. Division O.M. No. 1/148/76-D.IV, dated 23-11-1976]. Engagement in trade,

business etc. by spouses of Government Servants

SI. No. 28

Under the Government Servants (Conduct) Rules, 1964, no Government servant is allowed to engage in any trade or undertake any employment or work, other than his official duties, except with the previous sanction of the Government. There is, however, no bar to the spouses of Government servants taking employment or engaging in any trade or profession. It has come to the notice of Government that the wives of some Government servants have been engaging in trade and business where influence of the husband could possible be misused. In such cases, the possibility of public interest being jeopardized cannot be ruled out.

2. In order to safeguard the public interest in such cases, it has been decided that all Government officials whose spouses have undertaken some private job or are engaged in business and trade may be directed to render a certificate to the Secretary of the Ministry/Division or the Head of the Department concerned that the profession, trade or business in which his or her spouse is engaged is in no way under his/her official influence.

[Authority.-Estt. Division O.M. No. 7/1/79-D-IV, dated 1-9-1979]

Membership of private Associations connected with social work

SI. No. 29

It has been brought to the notice of the Establishment Division that permission was refused to a Government servant to become an office-holder of a Private Association whose activities are confined to social work only and whose character in non-political on the ground that membership of such Associations is barred to Government

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Servants. Attention of the Ministry of Finance, etc. is drawn to Rule "15 of the Government Servants Conduct Rules and the note thereunder and it is stated that there is no bar to Government servant becoming office bearers of such Associations, provided they inform their immediate departmental superiors who will decide, with reference to the said rule and note, whether the matter should be reported for the orders of Government.

[Authority.- Estt. Division O.M. No. 4/1/49-Ests.(SE), dated 8-6-1949].

Association with Private Trusts, Foundations, etc.

SI. No. 30

The Government of Pakistan have considered the desirability or otherwise of serving Government servants being associated with Private Trusts, Foundations and similar other Institutions which are

‘Note.- Rule 16 of the Government Servants (Conduct) Rules, 1964 may be referred to in the present context.

not sponsored by the Government itself, and have decided that no serving officer should associate himself with any such association or Organisation.

2. This may kindly be brought to the notice of all concerned.

3. These orders will not apply to judges of the High Court and Supreme Court of Pakistan.

[Authority.- Estt. Division O.M.No.4/8/63-D-Il, dated 7-6-1963 read with O.M. of even number dated 8-7-1963].

Prosecution of studies by Government servants

9

in the educational institutions

SI. No. 31

A reference is invited to the Establishment Division O.M. No.4/24/59-Vl, dated the 3rd May, 1960 (not reproduced) and it is stated that on further consideration it has been decided that:-

(1)

(2)

(3)

Government servants intending to take up a course of study at educational institutions should be required to take prior permission of the Head of the Department.

No such permission should be granted unless the Head the Department is satisfied that the prosecution of studies will not interfere with the Government servants official duties.

Permission granted may be withdrawn if the Head of the Department is convinced that the Government servant is taking part in politics or prosecution of such studies is interfering with the satisfactory performance of the duties.

[Authority.- Estt. Division O.M.No.4/9/63-D.II, dated 23-9-1964].

Appearing at an examination as private candidates by Government servants

SI. No. 32

A question has been raised whether permission is necessary for a Government servant for appearing at an examination as a private candidate. The matter has been considered in consultation with the Home Affairs Division and the two Provincial Governments and it has been decided that:-

(a) In case of those Government officials who are prosecuting studies in education institutions with the permission of the Head of Department no further permission is required for appearing in the examination.

(b) In case of those who want to prosecute studies in spare time without attending any educational institution, no permission is necessary. For appearing in the examination the Head of the Department may grant leave provided the Government servant concerned can be spared without detriment to the work of the Government.

[Authority.- Estt. Division O.M.No.4/9/63-D-VII(D.IV), dated 18-8-1969].

Bar against naming of institutions, projects, roads, streets etc. in the country after the names of Government servants

SI. No. 33

The instructions issued by the Federal Government from time to time for naming institutions, projects, roads, etc. have become out of date. The matter has been reconsidered by the Government of Pakistan, and it has been decided to lay down the following guidelines on the subject in supersession of all previous orders:-

(i) No institution, road, street, etc., should be named after a Government servant or a public representative while

(ii)

(ii)

(iv)

he is still alive.

No institution, official or semi-official, should be allowed to be named after a non-Pakistani without the permission of the Federal Government.

British names of towns, institutions, settlements etc. should be gradually replaced by Pakistani or Islamic names.

Institutions and projects like bridges, buildings, roads, streets, etc. may be named after the following:-

(a)

(b)

(c)

(d)

(e)

(f)

The founder of the Nation and persons who were in the forefront of the freedom movement, and took a prominent part in the creation of Pakistan.

National personalities (no longer alive) with unblemished record of service to the nation.

Heroes who have laid down their lives for the defence of the country in war.

Art and cultural institutions may be named after dead artists of national fame. The same principle can be _ followed in respect of educational institutions, libraries, scientific and technical institutions etc.

Principal donors of any building or institution built out of or for charity.

Living or dead heads of State/Government of foreign countries friendly towards Pakistan.

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(v) Defence installations, military lines and institutions in Cantonments and army stations may be named after War "Shaheeds".

(vi) No sports tournaments would be named _ after Governors, Ministers, Government officials or public representatives of their wives.

2. Permission of the competent authority in the Federal Government or the concerned' Provincial Government (President/Governor as the case may be) shall be obtained in advance for the naming of institutions etc., on the basis of the above guidelines. In the case of Defence installations etc., mentioned at (v) above, prior approval of the Chief of Staff Army/Navy/Air Force should be obtained.

3. These guidelines may please be brought to the notice of all concerned for strict compliance.

[Authority.- Cabinet Secretary's letter No.107/21-78-Min., dated 13-5-1978 to all Provincial Governments with copies to Ministries/Divisions].

Participation in foreign cultural associations or organizations

SI. No. 34

Government of Pakistan have had under their consideration the desirability or otherwise of Government servants participating in foreign cultural associations or organizations and have decided that no Government servant should associate himself with any such associations or organizations.

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[Authority.- Estt. Division O.M. No. 4/26/60-E.VI, dated 17-6-1961].

SI. No. 35

Government have since further decided to authorize the Secretary of the Ministry concerned to grant permission, in consultation with the Ministry of Home Affairs, to continue the existing membership of such Organisation, by a Government servant who is committed and cannot extricate himself. In new cases, in which also the Ministry of Home Affairs should be consulted, the policy should be to discourage new membership in the interest of the proper performance of official duties.

[Authority.- Estt. Division O.M. No. 4/26/60-D.II, dated 16-9-1961].

Membership of British Library

SI. No. 36

A question arose as to whether the restrictive orders should applicable also to the membership of the British Council Library other organizations of like nature. It has been decided that there should be no objection to officers becoming members of the British Council Library and similar organizations.

[Authority.- Estt. Division O.M.No. 4/26/60-D.II, dated 15-11-1961].

Note: For definition of foreign cultural association, please see Section 2 (a) of the Foreign Cultural Associations (Regulation and Functions) Ordinance, 1975.

Unauthorized communication of official documents or

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information SI. No. 37

The Rules of Business contain a provision to the effect that no information acquired directly or indirectly from official documents or relating to official matters shall be communicated by a Government servant to the Press, to non-officials or even officials belonging to other Government offices, unless he has been generally or specially empowered to do so. It has been brought to the notice of the Cabinet Division that the implications of the above rule are not fully appreciated by Government servants with the result that information contained in official documents finds its way to non-officials or officials belonging to other Government offices and through them to outsiders. Ministry of Finance, etc., are requested kindly to bring the matter to the notice of all Government servants under their administrative control and warn them that they should not talk about or discuss official matters coming to their Knowledge directly or indirectly with outsiders or even with officials belonging to other Government offices.

2. It may further be brought to the notice of the Government servants that a provision to the same effect as in the Rules of Business is made in rule 18 of the Government Servants Conduct Rules and an infringement thereof can be the subject of departmental proceedings. It is also an offence under Section 5 of the Official Secrets Act, 1923.

[Authority.- Cabinet Division O.M. No. Cord.(1)-8/97/58, dated 28-11-1958].

Premature leakage of information to the Press

SI. No. 38

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Instances have come to the notice of the Government where information regarding its policies and other activities was communicated to the Press before these policies etc., had been finalized, by sources which were not competent to release or indicate that information. The premature leakage of such information places the Government in an embarrassing position.

2. Communication to the Press of any statement of fact or opinion or other information by a Government servant which is likely to embarrass the Government is prohibited under rule 22 of the Government Servants (Conduct) Rules, 1964, and any infringement of that rule is cognizable under the Government Servants (Efficiency and Discipline) Rules.

3. In the light of the above provisions, Government servants should abstain from communicating to the Press any information even verbally or through discussion relating to official matters or Government policy or which is of a classified nature till such time it has been officially released by appropriate authorities.

[Authority.- Estt. Division O.M.No.3/10/66-D.II, dated 23-8-1966].

Press Statements and Conferences

SI. No. 39

A Press Conference should be held only by a Secretary/Joint Secretary incharge of a Ministry/Division, who alone, besides the Minister, is the spokesman of the Government. The Heads of Departments other than Secretaries/Joint Secretaries, may issue Press Statements as envisaged in Cabinet Division D.O. Letter No. Cord. (1)8/79/58, dated the 18th March, 1959 (Annexure). This should however, be done after obtaining the approval of the Secretary/Joint

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Secretary concerned. Such prior approval may not be necessary in respect of Press Statements of an informative nature e.g., a railway accident, calling upon displaced persons to file returns/forms, etc.

[Authority.- Cabinet Division O.M.No.Cord.(l)-8/79/58, dated 3-8-1959].

ANNEXURE

Copy of Cabinet Division letter No. Cord (1)-8/79/58, dated the 18th March, 1959.

It has been decided to withdraw the restriction imposed on the issue of Press Statements by Secretaries, etc. except with prior approval of the Secretary General and Secretaries/Joint Secretaries in-Charge of Ministries/Divisions and Heads of Departments under the Central Government may issue Press Statements as and when necessary.

It is also requested that Information Officers attached to the Ministries, etc., should be kept fully informed of important matters of public interest so that adequate and sustained publicity is given to Government's activities and achievements.

SI. No. 40

According to the existing instructions, only Ministers and Secretaries, and such officers as may be specifically authorized may act as official spokesman of the Government and all official news and information is required to be conveyed to the press and the public through the Press Information Department.

2. The Principal Information Officer serves the Government of Pakistan as a whole, in addition to arranging issuance of publicity

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material emanating from Ministries/ Conferences/Press briefings for Ministers, Secretaries and official spokesman of the Government. As such it is desirable that Principal Information Officer be consulted on the medium to be employed for projection of Government policies, programmes and activities according to the situation and the subject matter.

3. Press Conferences.- (i) These shall be called by Ministers or Secretaries/other officials who may be authorized by their respective Ministers.

(ii) Press Statements.- On matters of policy which have already been approved by Government and which require publicity and proper projection press releases may be authorized by Secretary concerned and issued through the Press Information Department.

On matters of public interest, other than policy, press notes of purely informative nature may be issued by the Heads of Attached Departments through the Press Information Department.

4. There is a possibility of incorrect or unauthorized information being collected by journalists and press representatives in informal contacts with officials. Attention is drawn to rule 18 of the Government Servants (Conduct) Rules which prohibits unauthorized communication of official documents of information to a Government servant unauthorized to receive it, or to a non-official person, or to the press. All Government servants are warned to be careful in this matter. Any breach of this rule coming to notice will be severely dealt with.

[Authority.- Estt. Division O.M. No.4/1/72-D.IV, dated 3-2-1972].

Letters to Editor

18 SI. No. 41

The Ministries/Divisions are aware that most of the people explain their difficulties through the "Letters to Editor" columns of newspapers with the intention of seeking redress of their grievances from concerned Government Departments/Agencies.

2. This Ministry holds the view that if the position is clarified by the Government Departments/Agencies by addressing letters to the editors of newspapers in which letters concerning them are published, it will not only

clarify their position but also ensure removal of genuine public grievances.

3. Ministries/Divisions are therefore, requested to kindly consider the above view-point, and, where practicable take action in accordance with the procedure laid down in para 1 of Establishment Division's Office Memorandum No. 4/I/72-D.IV, dated the 3rd February, 1972 (SI.No. 40).

4. The clipping from the "Letters to the Editors" columns will, as usual, be supplied to the concerned Government Departments/ Agencies by the Press Information Department.

[Authority.- Information and Broadcasting Division O.M.No.1(18)/72-P.IIl, dated 16-5-1972].

Measures to check the Government servants from ventilating their grievances through Members of the Legislature

SI. No. 42

Cases have come to the notice of the Government of Pakistan in which members of the Secretariat Establishment must have

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approached members of the Legislature with a view to having their individual grievances made the subject of interpellations in the Assembly. Apart from the consideration that the questions involved are rarely, ever, of public importance, and that such conduct is subversive of discipline, the practice involves a contravention of the instructions contained in ‘Rule 17 of the Government Servants Conduct Rules, according to which a Government servant may not, either directly or indirectly convey to Government servants belonging to other Departments or to non-official persons or the Press any information of which has come into possession in the course of his public duties.

2. It is felt that cases of this kind may be due to members of the Secretariat staff not having been fully aware of the provisions of Rule 17 of the Government Servants Conduct Rules.

‘Note.- The instructions reproduced at SI.Nos.42 & 43 were issued in the context of Government Servants Conduct Rules which were in force prior to 1.5.1964. Rule 17 of the said rules corresponds to Rule 19 of the Govt Servants(Conduct) Rules, 1964.

3. It is, therefore, requested that the attention of members of the Secretariat staff should be drawn to the provisions of Rule 17 of the Government Servants Conduct Rules and that they should be warned that any infringement of ‘Rule 17 in future will be severely dealt with.

[Authority.- Estt. Division O.M.No.4/22/50-SEll, dated 24-10-1950].

SI. No. 43

20

The attention of the Establishment Division has been drawn to the fact that despite the instructions contained in the Office Memorandum No. 4/22/50-SEIl, dated the 24th October, 1950, and the specific provision of Rule 17 of the Government Servants Conduct Rules, Government servants still continue to approach Members of the Parliament or adopt other improper methods for ventilating their grievances. Such a tendency on the part of Government servants cannot but undermine discipline and must be checked. All Ministries/Divisions are, therefore, requested kindly to bring the instructions and rule referred to above to the notice of all officers and members of the staff employed under them once again, and make it clear that any infringement of these instructions will render them liable to disciplinary action.

[Authority.- Estt. Division O.M. No. 8/17/57-SE. IV, dated 27-2-1958].

Approaches to Ministers, M.N.As etc. for purchase or sale of property

SI. No. 44

It has come to Government's notice that Government servants make approaches through Ministers, Chief Ministers, M.N.As. and M.P.As. or other means for issue of permit to buy transportation vehicles or other imported material and for purchase and sale of

property.

2. Such acts are not only in serious breach of Government Servants Conduct Rules, but also contrary to all tenets of propriety and are totally unbecoming of Government servants. Government has, therefore, taken serious note of such acts on the part of Government servants. In future, if any such case come to notice

stern action will be taken against those involved. The attention of the Government servants, working in your Ministries/Divisions and Attached or Subordinate Offices and Autonomous Institutions may be drawn to the Government Servants (Conduct) Rules, 1964, with direction to refrain from making such requests in future.

[Authority.- Establishment Secretary's d.o. No.1/38/74-D.IV, dated 8-5-1974].

Extraneous influence by Government Servants in respect of service matters

SI. No. 45

It has been observed that the government servants, at times, attempt to bring extraneous influences in respect of service matters, such as posting, transfer, deputation etc. These acts are not only in breach of Government Servants (Conduct) Rules, 1964 (as amended) but also constitute “Misconduct' in terms of Rule 2(4) of the Government Servants (Efficiency and Discipline) Rules, 1973, reproduced below:-

"‘Misconduct’ means conduct prejudicial to good order of service discipline or contrary to Government Servant (Conduct) Rules, 1964 or unbecoming of an officer and a gentleman and includes any act on the part of a Government servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the government or any government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government Servant."

2. The Civil Servants are, therefore, advised in their own

interest to scrupulously observe the provisions contained in the Government Servants Conduct and Discipline Rules. In future if any civil servant attempts to bring extraneous influence in respect of his posting, transfer, deputation, etc. a note to this effect will be placed in his CR dossier, unless of course, proposals on these matters are made by the Ministries/Divisions/Departments themselves formally to the Establishment Division.

3. This d.o. letter may please be brought to the notice of all civil servants working in various Ministries/Divisions/ Departments etc.

[Authority.- Estt. Division D.O. Letter No. 5/4/82-DI, dated 28-4-1982]. SI. No. 46

It has been observed there is an increasing trend among Government Servants to bring extraneous influences in service matters such as postings and transfers, promotions, etc. apart from that in terms of Rule 19 of the Government Servants (Conduct) Rules, 1964, read with sub-rule (4) of Rule 2 of the Government Servants (Efficiency and Discipline) Rule, 1973, such acts constitute ‘misconduct’, they have an adverse effect on the overall discipline and working efficiency of the concerned set ups.

2. In order to curb these practices, the Estt. Division has been circulating instructions reminding the Government servants of the provisions under the rules and emphasising the need to refrain from bringing in extraneous influences in service matters, (Serial Nos. 45, 46 and 47), the then Adviser to the Prime Minister for Establishment's d.o.letter No. 57-27/86-E.Il, dated 25th May, 1989; and the then Establishment Secretary's d.o. letter of even number dated 27th May, 1990. Despite clear position under the rules and

issuing instructions and reminders on the subject, the instances of misconduct on the part of the defaulting Government servants continue to come to notice.

3. It has accordingly been decided that all the competent authorities would bring, immediately, to the notice of the Prime Minister's Secretariat cases of the defaulting civil/government servants whenever extraneous pressures are brought to bear upon the normal channels of discipline, for seeking orders to initiate disciplinary proceedings on case to case basis, through the Establishment Division.

4. This d.o. letter may please be brought to the notice of all civil/Government servants working under your administrative control in the Ministries/Divisions/Departments as well as the employees of corporations and autonomous bodies.

[Authority.- Estt. Division d.o.letter No.5/4/82-D.1, dated 5-7-1995].

SI. No. 47

In order to curb the general tendency among the civil/government servants to use extraneous' influence in contravention of rules 19 and 29 of the Government Servants (Conduct) Rules, 1964, the present Government has decided to take effective steps on the subject. This includes to take effective steps on the subject. This includes suspension of any civil/government servant accused of the said contravention followed by expeditious E&D proceedings.

2. It is accordingly requested that, henceforth, all cases of contravention of the said rules must be dealt with by placing the defaulter under suspension, in the first instance, with the approval of the concerned competent authority. It may be ensured that this action is taken without loss of time.

3. It is further requested that copies of suspension orders and,

in due course, the final orders in such E&D proceedings, may also be forwarded to Establishment Division.

4. These instructions may be brought to the notice of all federal civil/government servants working in various Ministries/ Divisions/Departments/Provincial Governments.

[Authority.- Estt. Division d.o.letter No.5/4/82-D.1, dated 7-11-1996].

Evidence before Committee of the National Assembly

SI. No. 48

Under rules 114 and 179 of the Rules of Procedure of the National Assembly of Pakistan, the Committees of the Assembly have the power, inter alia, to Summon and examine any Government servant and to require the production of any official record. As the Government servant who may be thus summoned or directed by a Committee would, in the matter of giving evidence before the Committees, be also subjected to the restrains provided for in Rule 23 of the Government Servants (Conduct) Rules, 1964 a question has arisen as to whether a Government servant can, in the course of his examination by any such Committee, decline to disclose any information or to produce any document which he thinks it would not be in the interest of the defence, the security or the external relations of Pakistan or in the public interest generally to disclose or produce. The matter has been considered carefully and it has been decided that in such cases the Government servant concerned should claim privilege and politely decline to disclose such information or produce such document on grounds of public interest.

[Authority.- Estt. Division O.M. No. 1/1/64-F.1./DII, dated 14-1-1965].

Radio Broadcasts SI. No. 49

Several Government servants have been invited to give and had given talks from the Radio Pakistan, both on subjects connected with their work and other subjects. In order that a uniform procedure may be observed, with reference to such broadcasts, it is requested that the following principles should be borne in mind.

2. There is no objection to officers giving such talks, but it must be pointed out:-

(a) that broadcast talks by Government servants are "public utterances" within the meaning of ‘Rule 20 of the Government Servants Conduct Rules; and

(b) that talks differ from newspaper articles, in that it is the policy of the Government of Pakistan that their broadcasting service shall not be used for the purpose of political propaganda.

3. In order to ensure that the Government Servants Conduct Rules are observed and that the services are kept free of political propaganda, the Government of Pakistan have decided to impose the following safeguards:-

(a) A broadcast talk:

(i) shall contain nothing in the nature of political propaganda or discussion of political views.

(ii) shall contain nothing that is likely to offend the feelings of any community or class of persons.

(iii) | shall contain nothing which is capable of embarrassing the relations between the Government and the people of Pakistan or any section thereof, or any foreign country or the ruler of any State in Pakistan.

(iv) — shall contain nothing which would amount to disparagement of the policy or the decisions of Government.

(b) Any Government servant who has been asked to deliver a broadcast talk must report the subject on which he proposes to talk, whether it is connected with his official work or not, to the competent authority under whom he is employed.

“Corresponds to Rule 22 of the Government Servants (Conduct Rules, 1964). (c) If the talk is on a subject not connected with his official work, the competent authority may, in his discretion, call for the text of the talk in order to scrutinize it.

4. It has been reported that the Heads of Offices, empowered to grant permission to Government servants employed under their administrative control and invited to give broadcast talks, on subject connected with their official work, occasionally approve the scripts at the eleventh hour when it is too late for the talks to go on the air. Such delays, apart from keeping the Station Director concerned in suspense, result considerable embarrassment to the service and in dislocation of broadcasting programmes. The authorities who are competent to grant permission to broadcast should treat the cases of scrutiny of broadcast talks and the grant of permission to broadcast to Government servants as IMMEDIATE.

5. The power of granting permission to broadcast should be

exercised by Heads of Ministries and Divisions, the Heads of Offices attached thereto, other officers declared to be Heads of Offices under SR 2(10) and specified in Appendix 14 of the Compilation of the F. and S. Rules, Volume II, and all Heads of Subordinate Offices. The cases of officers who exercise these powers should be submitted to the next higher authority, or the Government of Pakistan, as the case may be.

6. Governors, Ministers, Deputy Ministers, Judges of the Federal Court and of High Courts and the Auditor General are not governed by the Government Servants' Conduct Rules and are, therefore, to be treated as sanctioning authorities in respect of their own broadcast talks. In the case of Secretaries to Government, however, the permission of the Minister concerned would be necessary. The Chairman of the Federal Public Service Commission shall be the sanctioning authority in respect of broadcast talks by himself or any member of the Federal Public Service Commission.

7. The musical items broadcast from the Stations of the Radio Pakistan come within the term ‘talk' for the purpose of these instructions, but the sanctioning authority may, at his discretion, give general permission to a particular Government servant to broadcast musical items, provided he is satisfied that there is no risk involved in giving such permission. The cases of Government servants employed under a Provincial Government, will be decided by that Government in its discretion.

8. It is, therefore, requested that the instructions contained in the above paras may be brought to the notice of all Government servants.

[Authority.- Information and Broadcasting Division O.M.No.18/(1)/48-B, dated 15-12-1950].

28 SI. No. 50

A reference is invited to the Ministry of Communication O.M. No. KP-2(20)/61, dated the 20th March, 1962 (Annexure) and it is stated that the instructions contained in this Division's O.M. No. 18(1)/48-B, dated the 15th December, 1950 apply to all persons in the civil service of Pakistan, whether for the time being on foreign service or not, to whom the Government Servants Conduct Rules also apply.

2. It has been held by the Cabinet Secretariat (Establishment Division) in consultation with the Ministry of Law that the employees of autonomous and semi- autonomous bodies, like the Port Trust, P.I.D.C., Pakistan Council of Scientific and Industrial Research etc. except the Government servants who may be on deputation to those bodies cannot be regarded to be in the civil service of Pakistan, and, therefore, they do not come under the purview of the Government Servants Conduct Rules.

3. In view of the above position the Heads of autonomous and semi-autonomous bodies do not come within the fold of the orders contained in this Division's O.M referred to above.

[Authority.- Ministry of Information & Broadcasting O.M.No.1(18)/62, dated 10-7-1962].

ANNEXURE

Copy of Ministry of Communication O.M. No., KP-2(20)/61, dated the 20th March, 1962.

Reference Information and Broadcasting Division's Office Memorandum No.13 (1)/48-B, dated the 15th December, 1950 regarding broadcast talks by Government servants, a question has arisen whether instructions laid down therein are also applicable to

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the Heads of Autonomous, Semi-autonomous bodies like the Port Trust etc. and if the heads of such institutions are asked to broadcast talks, their cases should come to the Administrative Ministry concerned for grant of permission. Since mention has been made only of Government servants, it is presumed, they do not come into the picture. However, the Ministry of National Reconstruction and Information are requested to kindly clarify the above points for guidance.

Taking part in politics SI. No. 51

Bar against supporting student agitations.- Attention is invited to Rule 23 of the Government Servants’ Conduct Rules, according to which a Government servant shall not permit any person dependent on him or under his care or control, to take part in, or in any way assist any movement or activity which is or tends directly or indirectly to be subversive of Government as by law established in Pakistan. Under the same rule, a Government servant shall be deemed to have permitted a person to take part in, or assisted a movement or activity, if he has not taken every possible precaution, and done everything in his power to prevent such person so acting. In view of this, the conduct of Government servants who may consciously or unconsciously support the student agitators and have sympathies with them would attract the provision of Rule 23 of the Government Servants' Conduct Rules.

“Rule 24 of the Government Servants (Conduct) Rules, 1964 may be referred to in the present context.

2. It is, therefore, requested that the above rule may be brought to the notice of all Government servants and it may also be emphasized that a breach of this rule will make them liable to proceeded against under the Government Servants (Efficiency and

Discipline) Rules.

[Authority.- Estt. Division O.M.No.4/23/62-D.II, dated 19-10-1962].

SI. No. 52

Participation of Government servants in the functions of the political parties.- The question whether Government officers should or not accept an invitation and attend a function arranged by a political party in honour of Head of State, or a Cabinet Minister who may be member of that political party, has been considered in the Establishment Division, and it has been decided that in such cases, where a Government servant accepts an invitation to a function organized by a Political Party and attends it, it will appear to amount to his participation in the activity of that political Organisation and will be in contravention of the provisions of ‘Rule 23 of the Government Servants’ Conduct Rules which prohibits government servants from taking part in, or subscribing in aid of, or assisting in any way in political movement in Pakistan, or relating to Pakistan affairs.

2. These restrictions would not, however, apply to those officers, who are responsible for the maintenance of law and order, and may be required to be on duty in such functions e.g., the Commissioner, the Deputy Commissioner, the D.I.G., the Senior Superintendent of Police etc.

3. It is requested that the above decision may kindly be brought to the notice of all government officers, and it may be emphasized that acceptance of an invitation to any function organized by a political party would amount to breach of ‘Rule 23 of the Government Servants' Conduct Rules.

[Authority.- Estt. Division O.M.No.4/11/63-D.1l, dated 5-8-1963].

“Rule 24 of the Govt. Servants (Conduct) Rules, 1964 may be referred to in the present context.

SI. No. 53

Action to be taken against Government servants found indulging in politics/subversive activities.- Instructions have been issued from time to time bringing to the notice of the Government servants, rules under which their participation and the activities of political organizations is prohibited. In the context of the present situation it is necessary to bring the provisions of the relevant law/rules to the notice of all Government servants for their guidance.

2. Action against the defaulting Government servants can be taken under the following law/rules:-

(i) The Pakistan Essential Services (Maintenance) Act, 1952.

(ii) The Government Servants (Conduct) Rules, 1964.

(iii) © The Government Servants (Efficiency and Discipline) Rules.

(a) Pakistan Essential Services (Maintenance) Act, 1952.- If a Government servant, whose employment has been declared essential under rule 3 of the Pakistan Essential Services (Maintenance) Act, 1952, disobeys a lawful order or abandons work without reasonable excuse or departs from any area-specified in an order of a competent authority, he can be prosecuted under the Act and punished with imprisonment upto one year and with fine.

(b) Government Servants (Conduct) Rules, 1964.-

Rule 24 of the Government Servants (Conduct) Rules prohibits Government servants from taking part in, subscribing in aid of, or assisting in any way any political movement in Pakistan, or relating to the affairs of Pakistan. Government servants are thus debarred from joining any political party.A defaulting Government servant may be proceeded against under the Efficiency and Discipline Rules on the charge of misconduct.

(c) Government Servants (Efficiency and Discipline) Rules.- A Government servant can be proceeded against if he is guilty of misconduct or is found to be engaged in subversive activities independently or in association with others under rule 3 of the said Rules. For subversive activities, the penalty can be compulsory retirement, removal or dismissal from service.

3. Ministries/Divisions are requested kindly to bring these Rules to the knowledge of the Government servants under their administrative control for strict observance. They may be warned that any violation of these rules will be dealt with strictly.

[Authority.- Estt. Division O.M.No.3/I/69-D.II, dated 19-2-1969].

SI. No. 54

Bar against discussing politics in offices, clubs, restaurants and public places.- Attention is draw to Rule 24 of the Government Servants (Conduct) Rules, 1964 which prohibits Government servants

from taking part in politics and elections. The Rule is reproduced

below:-

1.

No Government servant shall take part in, subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in Pakistan.

No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act in a manner in which he himself is not permitted by sub-rule (3) to act.

A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a

candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to take part in an election to such body.

6. The provisions of sub-rules (3) and (5) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law, or order of the Government for the time being in force to be candidates at such elections.

7. If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

2. It is clarified that under sub-rule (7) of the above rule, the Government servant is prohibited from discussing politics in offices, clubs, restaurants and other public places. Although, a Government servant is not debarred from voting at the elections, he can not propagate his political views openly in a manner that might influence the opinions of others or indicate the trends of his own political thinking. He cannot also attend or participate in functions of political leaders, political rallies, processions etc. Nor can he develop associations which would get him involved directly or indirectly in a realm that is essentially political.

3. It is requested that these instructions should be brought to the notice of the all Government servants for strict compliance. The Government servants should be warned that any breach of these instructions will be dealt with severely.

[Authority.- Estt. Secretary's D.O.letter No.5/2/70-DIV, dated 19-7-1973].

SI. No. 55

35

Bar against canvassing, interfering, using of influence or taking part in elections.-Sub-rule (2) of ‘rule 23 of the Government Servants’ Conduct Rules, prohibits any canvassing, interference, use of influence or taking part by a Government servant in any election to a Legislative Body except a simple exercise by him of his right to vote without indicating the manner in which he proposes to vote or has voted. In view of the forthcoming elections to the national and the provincial assemblies. Government have further decided that the provision of this rule should be brought to the notice of all Government servants specifically and they should be asked to observe the rule scrupulously.

[Authority.-Estt. Division O.M.No.4/5/62-D.1I, dated 17-3-1962].

“Note.-Rule 24 of the Government Servants (Conduct) Rules, 1964 may be referred to in the Present context.

SI. No. 56

The existing rules strictly debar official functionaries and their wives and other dependents from participating directly or indirectly in political activity which includes participation in election campaign. Rule 24 of the Government Servants (Conduct Rules, 1964 provides as follows:-

aE No Government servant shall take part in, subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

2. No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in Pakistan.

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3. No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to legislative body, whether in Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

4. No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act in a manner in which he himself is not permitted by Sub-rule (3) to act.

“Subs vide Estt. Division Notification No.S.R.0.993(I)/76 dated 30-9-1976.

5. A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to take part in an election to such body.

6. The provisions of sub-rules (3) and (5) shall, so far as may be, applies to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law, or order of the Government, for the time being in force, to be candidates at such elections.

BY

7. If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

2. Ministries/Divisions, etc, are requested to warn all Government servants that unless they exercise/strict care and vigilance in keeping themselves and the members of their families aloof from political activity prohibited by the above rule, disciplinary action would be taken against them.

[Authority.- Estt. Division O.M.No.5/2/70-D.IV, dated 20-8-1970].

Propagation of sectarian creed

SI. No. 57

Government of Pakistan have received frequent complaints that certain officials belonging to a particular sect abuse their official position in propagating their sectarian creed among their subordinates and other persons who come in contact with them in their official Capacity. Government take a serious view of this matter and have accordingly decided to stop this undesirable activity at once and to prohibit in future the propagation of any sectarian creed in this objectionable manner. Government wish to make it known that drastic action will be taken against any person who offends against this rule, irrespective of the sect to which he may belong.

[Authority.- Estt. Division O.M.No.4/22/52-SE.Il,dated 27-9-1952].

Instructions relevant to Service Associations

SI. No. 58

38

Participation of officers/staff of the Establishment Division in the business of their respective Service Associations. - The question whether certain categories of Government servants should or should not be allowed to hold office in, or attend the business meetings of the various Service Associations of which they are members, has been considered and it has been decided that officers and members of the staff working in the Establishment Division should not become office bearers in their respective service association, or attend business meetings so long as they remain in the Establishment Division.

[Authority.- Estt. Division O.M.No.4/3/63-F.VIl, dated 16-3-1963].

SI. No. 59

Bar against participation of officials working in Administration Branches in the business meetings of their respective Associations. - The question whether certain categories of Government servants should or should not be allowed to hold office in or attend the business meetings of the various Service Associations of which they are members, has been under consideration of the Government, and it has been decided that officers and members of the staff working in the Administration Branches of the Ministries/Divisions and_ their Attached Departments should not hold offices in their respective Service Associations, nor should they attend business meetings of such Associations as long as they remain in the Administration Branches.

2. The term "business meetings", in this context, means (a) all meetings of the executive, managing or working committees of the Associations concerned, and (b) such meetings or parts of meetings of the general body in which business relating to service matters is discussed or transacted.

[Authority.- Estt. Division O.M. No. 4/3/63-F.VIl, dated 8-8-1963].

SI. No. 60

Supply of copies of Government's orders/instructions to the Employees Associations.- Copies of general orders of non- confidential nature, which embody decisions of the Government affecting a particular class of employees, may, at the discretion of the authorities which accord recognition, be supplied to the recognized associations, through the Establishment Division.

2. The matter has been examined in the Establishment Division. Now the Government orders of non-confidential nature, relating to service matters, are available in the form of books. For instance, administrative or establishment instructions have been compiled in "Establishment Manual", "Estacode" etc., and financial orders in the "Compilations" etc. These books or relevant instructions from those publications, can be had by the Associations, individually. The orders which may not be available in those publications and may not be of confidential nature, can be obtained by the Associations from the concerned Ministry/Division on formal or informal request.

3. The instructions regarding the supply of copies to the Associations, as contained in the above-quoted and other orders, on the subject, are therefore, hereby withdrawn.

4. Ministries/Divisions are requested to bring these orders to the notice of the Office-bearers of the Associations, who may be employed with them or with their Attached/Subordinate Organizations.

[Authority.- Estt. Division O.M. No. 16/I/82-D.5, dated 20-6-1982].

SI. No. 61

Service Associations representing services existing prior to the 20th August, 1973 have ceased to exist.- Following the Prime Minister's announcement dated the 20th August, 1973, introducing Administrative Reforms, all Services have been abolished and replaced by a unified structure of Grades. Consequently all Service Associations representing Services existing prior to 20th August, 1973, have ceased to exist.

[Authority.- Estt. Secretary's D.O. letter No.16/17/73-F.1, dated 3-11-1973].

SI. No. 62

Associations of employees other than those belonging to the regularly constituted Services, may continue to function till further orders.

[Authority.- Estt. Secretary's D.O. letter No.16/17/73-F.1, dated 30-1-1974].

SI. No. 63

Bar against holding elections and celebrating victory during office hours.- |t has come to the notice of the Establishment Division that some times elections for the Service Associations are held in the office premises during office hours, as well as, victory in such elections is celebrated on the following days by the winning groups in the office premises during the working hours. As a result of this, the Government work remains suspended for days together which is not desirable. It has therefore been decided that-

(i) elections for the Service Associations may not be allowed to be held during the office hours, and

(ii) victory in such elections may not be celebrated within

the office premises during the office hours.

2. Ministries/Divisions are requested kindly to bring it to the notice of the Associations, with which they are concerned, for strict compliance.

[Authority.- Estt. Division O.M.No.6/4/74-F.|, dated 7-5-1974]. SI. No. 64

In continuation of the Establishment Division O.M. No. F. 16/4/74-Fl, dated the 7th May, 1974, it is stated that apart from preventing the Service Associations to hold elections and celebrate victory in office premises during office hours, it has been decided that the meetings of the Associations should also not be held, during the office hours, in office premises. There is, however, no bar if such meetings are held, after office hours, in office premises.

[Authority.- Estt. Division O.M. No. F. 16/4/74-F.1, dated 11-6-1974].

SI. No. 65

Functioning of service associations.- Following decisions of the government were circulated to all Ministries/Offices of the Federal Government vide this Division Office Memoranda of even number, dated the 7th May, 1974 and 11th June, 1974, that:-

(i) Elections for the service associations may not be allowed to be held during office hours,

(ii) victory celebrations in such elections may not be allowed within the office premises during the office hours, and

(iii) meetings of service associations may not be held in the office premises during office hours.

2. It has come to the notice of this Division that these instructions are not being followed strictly. In certain cases, even the general body meetings of service associations were planned to be held in the office premises during office hours, in which the Federal Ministers had been invited to preside over the Functions.

3. The orders referred to in para 1 above were issued with a view to ensure that the Government work does not suffer due to association activities. Heads of Ministries/Offices of the Federal Government are once again requested kindly to ensure that service associations of the employees under their administrative control do not hold functions in the office premises during office hours.

[Authority.- Estt. Division O.M. No.16/4/74-F.1, dated 1-4-1976].

SI. No. 66

Permission to representatives of Service Associations to attend various meetings.- It is stated that representative of Service Associations have informed that they are facing difficulties to attend the meetings during office hours convened by the Staff Welfare Organization.

2. It has been decided with the approval of Establishment Secretary that the representative of Service Associations may be permitted to attend meeting of Board of Trustees, Federal Employees Benevolent Fund and Group Insurance as and when held during office hours subject to production of notice from the Organization.

3. It is, therefore, requested that representative of the Service

Associations may kindly be allowed to attend the above meetings, which are officially arranged and the agenda of the meeting is also provided to the Ministries/Divisions. The timings should be invariably laid down in the orders of the meeting to ensure that the office bearer after the meeting report back for duties, within the reasonable time.

[Authority.- Estt. Division O.M.No.16/3/87-D-3, dated 7-4-1987].

SI. No. 67

Grant of Interview to the Office Bearers of the Association.- It is stated that Pakistan Grade | & Il Employees Association have stated that the Officers in the Ministries/Divisions do not give time for interview to discuss the problem of the employees. Ministries/ Divisions are requested that the request of Office Bearers of Grade | & Il Employees Association for interview regarding their collective and genuine problems may be accepted.

[Authority.- Estt. Division O.M.No.16/5/88-D.5, dated 20-3-1988].

SI. No. 68

Bar against public criticism of government action by Association etc.- Public criticism of the Government action by a civil servant or a body of civil servants constitutes misconduct under the Government Servants Conduct Rules and calls for disciplinary action.

2. The Associations of civil servants are not like the ordinary trade unions or bodies of workers employed in the industrial or commercial sector. Civil servants are allowed to form associations under a_ strict code which allows ventilation of their legitimate grievances only through the prescribed channel. The publicity to the press is not allowed.

[Authority.- Estt. Division D.O. No.1471/PS/ES/76, dated 23-6-1967].

SI. No. 69

Channel of communication between recognized Service Associations and Government.- According to the rules governing recognition of associations of civil servants, the recognized associations are required to submit their representations to Government through the office specifically designated for the purpose. The recognition of an association which disregards the rules and adopts other methods of representation is apt to be withdrawn.

2. Instances have come to the notice of this Division where recognized associations have addressed their representations to authorities, other than those to whom such representations should have been addressed and have circulated copies of the representations to various authorities. This is a violation of the condition of recognition of associations.

3. In so far as association recognized by the Establishment Division are concerned, Deputy Secretary, Establishment Division was designated as the officer to whom representations should be addressed. Other Ministries and Divisions were requested to similarly designate their officers for the purpose. The matter has been further examined and it has been decided that more senior officers should be designated for the purpose which should not be lower than Joint Secretary in the case of Ministries/Divisions and the Head of Department, or his Deputy, in the case of Attached and Subordinate offices.

4. The Ministries/Divisions are requested to designate appropriate officers for the purpose of receiving representations and to notify the same to the associations whose recognition is still valid in terms of Establishment Division on D.O. letter No. 16/17/73-F.|., dated the 30th January, 1974. The Establishment Division may please be informed of such associations and the officers designated to receive representations from the associations.

5. While communicating the designation etc. of the revised designated officers the association should be warned that in case representations are addressed by the associations to the officer/authority other than the officer designated for the purpose, its recognition is apt to be withdrawn by Government.

[Authority.- Estt. Division O.M.No.1814/75-F.II, dated 28-3-1977].

Approaching foreign missions and aid giving agencies to secure for himself invitation to visit a foreign country or

to elicit offers of training facilities

SI. No. 70

It has come to Cabinet's notice that certain officers of the Central or Provincial Governments have approached Foreign Governments or their representatives in Pakistan for the grant to them of scholarships, fellowships or other facilities to visit foreign countries, etc., and have finalized the arrangements without obtaining prior approval or have taken these negotiations and arrangements to a stage where refusal by the Government of Pakistan to grant the necessary permission to the officer concerned would embarrass the

Government as well as the officer. In order to prevent a repetition of such cases, it is considered necessary that no officer should make such approaches in future without the prior approval of the Government under which he is employed or make any commitment, whatsoever, without obtaining the prior permission of Government.

2. It is, therefore, requested that this may please be brought to the notice of all officers to ensure that this undesirable practice is stopped.

[Authority.- Cabinet Division D.O.letter No.54(38)-53-Cord, dated 25 and 26-8-1953].

SI. No. 71

Instances have come to notice in which foreign missions have offered scholarships/ fellowships to officers employed under the Government of Pakistan and the Provincial Governments direct for purposes of their training abroad. Such offers were accepted by officers and Ministries/Governments when approached subsequently, concurred in the arrangements.

2. As the Ministry of Finance, etc., are aware the channel of communication between the Central and Provincial Governments and the foreign missions in Pakistan is the Ministry of Foreign Affairs except in such cases where certain Ministries/Departments have been allowed to correspond direct with foreign missions on purely routine or technical matters not involving any question of policy. The Economic Affairs Division have been authorized by the Ministry of Foreign Affairs to carry on correspondence direct with the foreign missions in matters relating to the technical assistance schemes. All Ministries/Divisions are, therefore, requested to route their correspondence with foreign missions on this subject through that Division.

3. In view of the above, the Ministry of Finance, etc., requested to issue instructions that no officer working under them should correspond with foreign missions in Pakistan direct and that no offer of fellowship/scholarship received from any foreign mission or any foreign Government otherwise than through the Economic Affairs Division should be accepted by them nor should any Ministry concur in the acceptance of such an offer except with the concurrence of the Economic Affairs Division.

[Authority.- Estt. Division O.M. No. 1/17/53-SE.II, dated 9-10-1953].

SI. No. 72

As a further safeguard to prevent the officers of the Central and Provincial Governments from securing facilities for visiting foreign countries by approaching direct the representatives of the United Nations, the Technical Co-operation Administration, the Colombo Plan representatives and other similar Agencies, the Economic Affairs Division are taking up this matter with these agencies so as to ensure that they do not entertain any private request from any officer for the grant to any of the facilities mentioned. The Ministry of Foreign Affairs are also being requested to make a similar representation to the United States Embassy and the United Kingdom High Commissioner in Pakistan.

[Authority.- Estt. Division D.O. letter No. 1/35/53-SE. II, dated 29-10-1953].

SI. No. 73

Certain cases have come to the notice of Government in which approaches were made to Foreign Missions by certain Government Officials, with a view to arranging for visits by them to foreign countries. In some other cases, senior officers had requested members of Foreign Missions to do certain small favours for them.

Both kinds of action on the part of these officers were most objectionable. It is the foremost duty of Government officials to uphold the prestige of their country and not to do anything which might compromise their position or place them under any obligation whatsoever to any Foreign Mission.

2. Accordingly, the Government of Pakistan have decided that, if any officer has any private business to conduct with a Foreign Mission which would be likely to place him under obligation to that Mission or compromise his official position with them in any way, he should make contact with the Mission concerned through the Ministry of Foreign Affairs.

3. So far as going to foreign countries under the various technical schemes is concerned, Government have already prohibited direct contact between Government servants and Foreign Missions and it has been laid down that no offer in this field should be accepted by any officer or Ministry unless it is made through the Economic Affairs Division.

[Authority.- Estt. Division D.O.letter No.63/55/SE.II, dated 3-4-1956].

SI. No. 74

The President has directed that the attention of all officers should be drawn to the above instructions and it should again be made clear to them that severe disciplinary action should be taken against those who violate these instructions.

[Authority.- Estt. Division Letter No. 1/73/58-SE.IV, dated 6-11-1958].

SI. No. 75

It appears that the instructions issued therein have been lost

sight of and the Foreign Missions in Pakistan, specially those of aid giving countries, have been approached by the officials in order to extract invitations to visit the foreign countries. It is, therefore, requested that the instructions already issued may kindly be brought to the notice of all officers again, who should be warned that if anyone is asked for by name by the Foreign Mission, he would not be allowed to go in any case. If necessary, enquiries will be made as to how he came to be nominated by the Foreign Mission and disciplinary action would be taken in suitable cases.

[Authority.- Estt. Division Letter No. 1/73/58-E.X., dated 17-7-1961].

SI. No. 76

2. Under the existing detailed instructions, all Secretaries to the Federal Government and Chief Secretaries of Provincial Governments are required to ensure that under no circumstances should any scholarships or invitations for visits abroad be accepted from Foreign Missions/Governments when these are offered directly to individuals. Any direct offer is required to be politely declined with the suggestion that the offer be made through the Foreign Office. In the event of direct invitation/offer being received by any individual or official from a Foreign Government through the post, it has to be transmitted to the Ministry of Foreign Affairs for processing.

3. These procedures have been laid down in accordance with the well-established international rules in diplomatic theory and practice governing the conduct of a sending state and its representatives in a receiving state. Extension of invitations by a sending state to the citizens of the receiving state and their acceptance by the latter fall within the purview of Article 41 (para 2) of the Vienna Convention, regarding as follows:-

"All official business with the receiving state entrusted to the

Mission by the sending state shall be conducted with or through the Ministry of Foreign Affairs of the receiving state or such other Ministry as may be agreed."

A. It is noted with regret, however that contrary to the laid down instructions, there have been several instances where direct invitations were extended by certain foreign governments/missions to Pakistan nationals to visit their countries or to participate in conferences and seminars there. Certain foreign missions in Pakistan have also been seeking to establish direct contacts with various Local Bodies, institutions and opposition elements.

5. Pursuant to a recent decision taken by the Federal Cabinet, it is reiterated once again that the laid down procedure for contacts with Foreign Diplomatic Missions, acceptance of invitations, gifts and scholarships etc., from Foreign Government should be strictly enforced without any exception. In the case of private individuals and politicians receiving direct invitations, the State Bank of Pakistan and other agencies concerned should adopt effective measures to stop their departure from the country on unauthorisedly sponsored visits abroad. The system of prior clearance from the Interior Division and the Ministry of Foreign Affairs should be strictly followed in such cases.

[Authority.- Paras 2-5 of Establishment Secretary's D.O. letter No.104/30/76-Min, dated 23-6-1976].

Fraternisation between Government Servants and the Foreign Missions in Pakistan.

SI. No. 77

Instructions have been issued, from time to time, explaining the

parameters within which a Government servant could cultivate contacts with the personnel of the Foreign Missions in the country. It has, however, come to the notice of the Government that despite clear orders there exists a tendency amongst Government officials to approach the foreign missions, directly or indirectly, for personal favours as well as consular facilities. Such acts, obviously are a clear violation of rule 30 of the Government Servants (Conduct) Rules, 1964 and instructions issued thereunder.

2. The Government has taken a serious view of the above tendency amongst, Government servants and it has, therefore, become imperative to circulate the Government instructions on the subject once again for strict compliance by the government servants:-

(1) Government servants should exercise great caution and restraint in the matter of social contacts with the members of foreign mission in Pakistan and inter-alia abstain from extending invitations to them for private lunches/dinners at their residence etc.

(2) Officials of the level of Deputy Secretary and below should not receive the officials of the foreign missions, except with the express permission of the Secretary.

(3) Government servants are also. prohibited from contacting, or making direct approaches, to the foreign missions in Pakistan, in connection with their private business. All such approaches should be made through proper channel (i.e. the Ministry of Foreign Affairs).

(4) Invitations extended by the Foreign Missions, on the occasions of their National Days to the officers below the status of Joint Secretaries, may be accepted only after obtaining permission from the Secretary.

(5)

(6)

(7)

D2

The participation of officers, below the status of Joint Secretary, in the private functions, arranged by the foreign diplomats, should generally be discouraged. Joint Secretaries and officers of equivalent status will, however, do so with the prior approval of the Secretary.

Repeated and frequent attendance, by the officers, at private functions held by the same foreign diplomat, must be avoided.

As a general rules, only those officers who come into official contact with the foreign diplomat concerned, should accept his invitation.

3. Compliance of the above instructions may be ensured, at all levels, and that no one approaches, directly or indirectly, any foreign missions in Pakistan or any foreign aid-giving agency, for favours and any violation of the rules, as well as the instructions issued on the subject from time to time, will be dealt with severely under the conduct and discipline rules.

[Authority.- Estt. Division D.O. letter No.6/17/72-DA/D-IV, dated 14-4-1990].

SECTION B

GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1973 AND THE POWERS

EXERCISED THEREUNDER

GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE)

RULES, 1973 AND ANCILLARY INSTRUCTIONS

Efficiency and Discipline

53

Rules, 1973 SI. No. 78:

In exercise of the powers conferred by section 25 of the Civil Servants Ordinance, 1973 (No. XIV of 1973), the President is pleased to make following rules, namely:—

At Short title, commencement and application._These rules may be called the Government Servants (Efficiency and Discipline) Rules, 1973.

*[(2) They shall come into force at once and shall apply to every civil servant].

2. Definitions.—In these rules, unless the context otherwise requires,—

(1) "accused" means a Government servant against whom action is taken under these rules;

(2) “T'authority" means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973]:

[Provided that in the case of disciplinary proceedings already initiated against a Government servant before 14th June 2000, the powers of “authority” shall be exercised by the officer designed as such before the aforesaid date:]

(3) “authorised officer" means an officer authorised by the authority to perform functions of an authorised officer under these rules “or, if no officer is so authorised, the authority;

(4) "misconduct" means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct)

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Rules, 1964 or unbecoming of an officer and, a gentleman and includes any act on the part of a Government servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government servant; and

*Subs vide Establishment Division Notification S.R.O. No.1809 (I)/73, dated 31-12-1973. “Subs vide Establishment Division Notification S.R.O. No.336(I)/2000, dated 14-6-2000. ™ Added vide Establishment Division Notification S.R.O. No.470(I)/2000, dated 7-7-2000. ®added vide Establishment Division Notification No.4/2/77-D.1, dated July, 1978.

(5) "penalty" means a penalty which may be imposed under these rules.

3. Grounds for penalty.—-Where a Government servant, in the opinion of the authority—

(a) _ Is inefficient or has ceased to be efficient; or (6b) — is guilty of misconduct; or

(c) is corrupt, or may reasonably be considered corrupt because—

(i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably

(d)

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account) of pecuniary resources or of property disproportionate to his known sources of income; or

(ii) he has assumed a style of living beyond his ostensible means; or

(iii) he has persistent reputation of being corrupt; or

is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorised person, and his retention in service is, therefore prejudicial to national security, the authority may impose on him one or more penalties.

4. Penalties._(1) The following are the minor and major penalties, namely—

(a) (i) (ii

Minor Penalties: censure;

withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;

(iti) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar;

(iv) recovery from pay of the whole or any part of any pecuniary loss cause to Government by negligence or breach of orders;

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(b) Major Penalties:

(i) reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(ii) | compulsory retirement; (iii) removal from service; and (iv) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule, removal or dismissal from service does not include the discharge of a person—

(a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or

(b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or

(c) engaged under a contract in accordance with the terms of the contract.

5. Inquiry Procedure.—(1) The following procedure shall be observed when a Government servant is proceeded against under these rules:—

(i) In case where a Government servant is accused of subversion, corruption or misconduct, the authorised officer may require him to proceed on leave or, with the approval of the authority suspend him, provided that any continuation of

yi

such leave or suspension shall require approval of the authority after every three months.

*[Provided further that where the authority is President

**Tor Prime Minister], the powers of the authority under this clause shall be exercised by the Secretary, Establishment Division].

(ii)

(iii)

(iii)

The authorised officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides, the procedure indicated in rule 6 shall apply.

If the authorised officer decides, that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall—

(a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and

(b) give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

On receipt of the report of the Inquiry Officer or Inquiry Committee or, where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority along with the charge and statement of allegations served on the accused, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.

“Added vide, Establishment Division Notification S.R.O No.853(1)/84, dated 30-9-1984. “Added vide Establishment Division Notification S.R.O No.43(I)/86, dated 7-1-1986.

*[(2) The exercise of powers under clauses (i) and (iv) of sub-rule (1) by the authorised officers in the Pakistan Missions abroad shall, unless already so provided, always be subject to the approval of the authority].

6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.— Where an Inquiry Officer or Inquiry Committee is appointed, the authorised Officer shall—

(1) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.

(2) Require the accused within a reasonable time, which shall not be

(3)

(4)

(5)

less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.

The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.

The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment, with reasons therefor shall be reported forthwith to the authorized officer. Normally no adjournment shall be for more than a week.

Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the enquiry he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the enquiry in such manner as he or it thinks, best suited to do substantial justice.

“Added vide Establishment Division Notification No.7/5/75-Dl, dated 14-5-1975.

(6)

The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his or its findings and the ground thereof to the authorized officer.

6-A. *[Revision.—(1) Subject to sub-rule (2), the authority may call for the record of any case pending before, or disposed of by, the authorized officer and pass such order in relation thereto as it may deem fit;

(2) No order under sub-rule (1) shall be passed in respect of an accused unless the authorized officer to be designated by the authority has informed him in writing of the grounds on which it is proposed to make the order and has been given an opportunity of showing cause against it, including an opportunity of personal hearing if requested by the accused or is otherwise necessary in the interest of justice, in particular, when the authority contemplates to pass an order adverse to the interest of the accused:

Provided that no such opportunity shall be given where the authority, for reasons to be recorded in writing, is satisfied that, in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity].

7. Powers of Inquiry Officer and Inquiry Committee.—(1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

“Subs vide Establishment Division Notification S.R.O. No.74(I)/2001, dated 2-2-2001.

8. Rule 5 not to apply in certain cases.—Nothing in rule 5 shall apply to a case—

(a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or

(b) Where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

*[8-A. Action in respect of Government servant required to proceed on leave.—If a Government servant proceeding on leave in pursuance of an order under sub-rule (1) of rule 5 is not dismissed, removed from service, reduced in rank or compulsory retired, he shall be required to rejoin duty and the period of such leave shall be treated as duty on full pay].

9. **[Procedure of inquiry against government servants serving in Provincial Governments or working on deputation outside their department or service to which they belong._When a government servant, to whom these rules apply, is serving under a Provincial government or in a department, outside the department or service to which he belongs, or in a statutory organization, corporate body, or local authority, and the borrowing authority wants to initiate disciplinary proceedings against such government servant under these rules, the borrowing authority shall forward to the concerned lending authority a report with supporting documents, on the basis of which disciplinary proceedings are proposed, and if considered necessary, it may with the approval of the lending authority place him under suspension or send him on forced leave. On receipt of report from the borrowing authority, the lending authority shall take action as prescribed by these rules].

10. Appeal.—A person on whom a penalty is imposed shall have such right of appeal as may be prescribed under ***[the Civil Servants (Appeal) Rules, 1977]:

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the person concerned may apply for review of the order.

“Added vide Establishment Division Notification No.2/14/73-DI, dated 12-3-1975. ™ Subs vide Establishment Division Notification S.R.O. No.74(1)/2001, dated 2-2-2001. ™Subs vide Establishment Division Notification S.R.O. No.55(I)/77, dated 18-1-1977

*[10-A. Appearance of Counsel.—No party to any proceedings under these rules before the authority, the authorised officer, and Inquiry Officer or an Inquiry

Committee shall be represented by an advocate].

11. Repeal._The Government Servants (Efficiency and Discipline) Rules, 1960 in their application to the Government servants to whom these rules apply *Tand the Civilian Employees in Defence Services (Classification, Control and Appeal) Rules, 1961] are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered thereunder.

[Authority.— Establishment Division Notification No. S.R.O. 1213(1)/73, dated 18-8-1973].

Disciplinary Proceedings against Accused Government Servants

SI. No. 47:

During a high level meeting chaired by the Chief Executive, it was noted that the designated ‘Authorized Officers’ have adequate powers under the Government Servants (E&D) Rules, 1973 to departmentally proceed against Government Servants involved in the alleged charges of misconduct, inefficiency, corruption etc. They have all the powers to take following actions: —

(a) To send such officers on forced leave for a period of three months or to recommend suspension from service and extension in forced leave and suspension, in terms of Rule 5(1)(i) of the said Rules;

(b) To frame charges/allegations and to initiate disciplinary action in terms of Rule 5(1)(ii) & (iii) and to impose one or more minor penalties prescribed in the rules with due process of law after giving a reasonable opportunity of showing cause;

(c) To recommend to the Authority award of any of the major penalties prescribed in the rules after due process of law.

2. The designated ‘Authorities’ also have the original as well as revisional powers under Rule 5(1)(iv) and Rule 6-A of the Government Servants (E&D) Rules, 1973 which include powers to

“Added vide Establishment Division Notification No.7/3/74-D.1, dated 14-11-1974. “Added vide Establishment Division Notification No. S.R.O. 1809(I)/73. dated 31-12-1973.

call for record of any case pending before or disposed of by the Authorized Officer and to pass such order in relation thereto as it may deem fit. Similarly the appellate authorities under the Civil Servants (Appeal) Rules, 1977 have full powers to modify the orders passed by the departmental authority or the Authorized Officer in cases of appeal where the penalty imposed upon the accused officer is considered inadequate.

3. The Chief Executive of Pakistan, in the light of the above, has been pleased to direct that in order to enforce the Government Servants (E&D) Rules, 1973 and the Civil Servants (Appeal) Rules, 1977 in true spirit, the designated ‘Authorities’ ‘Authorized Officers’ and the Appellate Authorities shall invoke the above mentioned provisions of law/rules whenever such a situation arises, without any leniency or hesitation for conclusion of disciplinary proceedings strictly on merit. It is desired that the aforementioned directions of the Chief Executive be fully implemented and due care taken to strictly observe the provisions of Rules, prescribed procedures and instructions issued on the subject from time to time.

4. All Ministries/Divisions/Departments are advised to ensure that upto date lists of all disciplinary cases (initiated, pending and finalized) shall be sent periodically to the Discipline Wing of the Establishment

Division for scrutiny/re- assessment etc on the proforma already prescribed vide Establishment Division O.M. No.1/3/70-D.1, dated 7th May, 1970.

5. The above instructions may kindly be communicated to all concerned for proper guidance and strict compliance in future.

[Authority.—Establishment Division's D.O. letter No.11/5/2000/D.1, dated 26-2-2000].

ANNEXURE

STATEMENT SHOWING PARTICULARS OF DISCIPLINARY CASES PENDING OR PROPOSED TO BE INITITATED IN THE MINISTRIES/DIVISIONS/DEPARTMENTS/SEMI-AUTONOMOUS BODIES

Name of Division/Department etc

Whether Reasons in

Name and Date of Investigations/ brief for Whether the The period particulars receipt of Inquiries have instituting Date of person Present by which the

of the complaint! been instituted or or institute concerned is position of Reasons case is Remarks

Official allegation disciplinary proposing departmental under the case for delay expected to concerned etc. action is disciplinary action suspension if so be finalized

proposed to be action from what date initiated 1 2 3 4 5 6 7 8 9 10

Disciplinary proceedings under Government servants (E&D) Rules, 1973 against accused

Government servants: Furnishing of case material

SI. No. 48:

Instances have come to the notice of the Establishment Division that the Ministries/Divisions and Provincial Governments while forwarding the cases for obtaining the orders of the competent authority i.e. Establishment Secretary under Rule 5 (1) (i) of the Government Servants (E&D) Rules, 1973 do not generally observe the provisions of said rules, laid down procedure and earlier instructions issued on the subject matter. It has particularly been observed that the copies of relevant documents and case material against the accused officers are not enclosed as annexure alongwith the Summary/Note for the Establishment Secretary, duly signed by the respective authorized officers on the subject.

2. All the Secretaries/Additional Secretaries Incharge of Ministries/Divisions and Chief Secretaries of the Provincial Governments are requested to kind ensure that while forwarding the cases of BS-17 and above Federal Government Servants, for obtaining the orders of the Establishment Secretary under Rule 5 (1) (i) of the Government Servants (E&D) Rules, 1973, following information and copies of documents be enclosed alongwith the Summary/Note:—

(i) In case of the proposal for placing BS-17 and above Federal Government Servants under suspension, copies of all relevant documents/case material including biodata of the accused officer and copies of documents on the basis of which suspension of the officer is necessitated viz. any complaint or fact finding inquiry/probe etc. be provided.

(ii) In case of a request for extension in suspension period of a Government Servant under suspension or extension in forced leave period, on expiry of current sanction after three months, the present position of the disciplinary case including the stage of inquiry if it is in progress, may invariably be stated in the said proposals.

(iii) In case of recommendation for reinstatement in service of a Government Servant under suspension or termination of forced leave period, the copies of complete record of proceedings viz. charge sheet alongwith statement of allegations, show cause notice if issued instead of charge sheet, report of the Inquiry Officer and final orders of the Authorized Officer etc. be provided.

3. The above instruction may kindly be communicated to all the concerned quarters for guidance and compliance in future.

[Authority.— Establishment Division O.M. No.11/5/2000-D.1, dated 4-5-2000].

Applicability of the Disciplinary Proceedings against Dismissed, Removed or Compulsorily Retired Civil Servants

SI. No.49:

On a directive from the Chief Executive Secretariat, the question as to whether any order under the Government Servants (E&D) Rules, 1973 can be passed against a civil servant who already stands dismissed from service, has been examined in consultation with Law, Justice & Human Rights Division. It has been clarified that if a person is dismissed or removed from service or compulsorily retired he does not retain the status of a civil servant for the purpose of any other disciplinary proceedings or imposition of any other penalty. There is a concept of law that the process of appeal is the continuation of the original proceedings, therefore, if a dismissed, removed or retired employee moves a departmental appeal or representation or files an appeal before the appropriate judicial forum he is deemed to be a civil servant for that particular matter only under the said concept of continuation of status during the process of appeal.

2. Where an appeal is filed, the appellant may be treated as a

civil servant for the purpose of disposal of that appeal only and the result of any other inquiry that may have been conducted may be held in abeyance. However, if the dismissed, removed or retired person does not filed any appeal, the order of dismissal, removal from service or compulsory retirement will attain finality and the result of the other inquiry will become infructuous.

[Authority Establishment Division O.M.No.SCE/6/97, dated 14.1.2002].

Clarification in regard to Invocation of Rules 3 and 8 of the Government Servants (Efficiency & Discipline)

Rules, 1973 after coming into force of the Removal from Service (Special Powers) Ordinance, 2000

Please see Si. No. 40:

Review of Rule frame work

on Efficiency and Discipline

of Autonomous Bodes etc.

for incorporation of the provisions at par with Article 194 of Civil Services Regulations,

as Amended

SI. No. 50:

The Prime Minister's Office while examining the report in a case of criminal offence committed by an employee of an autonomous body has observed that departmental proceedings and action under the criminal law are not mutually exclusive and could be taken simultaneously without prejudice to the outcome in either proceedings. Despite this legal position, organization's report shows that the court was successfully persuaded in this case by the accused officer to grant bail, inter alia, for the reason that no departmental proceedings had been initiated against him; thereafter, on their part the organization also proceeded further and reinstated the officer to his substantive position on the basis of bail grant

order in his favour, to reinforce and obviate any legal challenge. It was obvious then that the relevant authorities of the organization did not apply their own mind to the facts and merits of the case leading to the registration of the case, and to determine the desirability or otherwise of initiating the Efficiency and Discipline proceedings against the accused officer. Such indifference and apathy also reflects connivance on the face of record, was unjustified and hence unacceptable. Prime Minister's Office has requested the Establishment Division to examine the matter in detail; also to advise all Ministries/Divisions to direct the State Enterprises/Autonomous Bodies under their administrative control/responsibility to review their rule-framework on Efficiency and Discipline for incorporation of the provisions at par with article 194 of the Civil Service Regulations, as amended.

2. The instruction printed at Serial No.118 (pages 542-543 of ESTACODE 1989 edition) provide as under:—

i) There is no bar to the holding of a Departmental Inquiry against a Government Servant who is being prosecuted in a criminal court. However, departmental inquiry can be deferred till the termination of criminal proceedings where the holding of departmental inquiry may effect of impeding the course of justice or of prejudicing the trial.

(ii) In case the accused Government Servant has been acquitted from a criminal case on technical grounds the departmental proceedings on the same facts can be started.

(iii) In case the accused Government Servant cannot be criminally prosecuted in a Court of law for some reasons or others, it does not bar the Government for inquiring into the truth of a charge against a Government Servant by means of departmental inquiry.

It has been observed that above instructions are not fully followed by the Ministries/divisions while dealing with criminal cases.

3. In view of the above all Ministries/Divisions are requested

to strictly follow the instructions contained in Establishment Division's Office Memorandum No.4/5/69-D.1, dated 17" June,1969 printed at Serial 118 (pages 542-543 of ESTACODE 1989 edition). They are also advised that above instructions may be brought to the notice of Heads of all attached Departments/Subordinate Offices/Autonomous Bodies/State Enterprises etc., and the staff working under them for their strict compliance.

*[4.Ministries/Divisions are further advised to direct the State Enterprises/Autonomous Bodies under their administrative control/ responsibility to review their existing rule-framework on Efficiency and Discipline and suitably incorporate following provisions of the civil service Regulations in their Service Rules.

Article 194. A Government servant who has been charged for a criminal offence or debit and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him is connected with his position as Government servant or is likely to embarrass him in discharge of his duties or involves moral turpitude. During suspension period the Government servant shall be entitled to the subsistence grant as admissible under FR-53.

Article 351. Future good conduct is an implied condition of every grant of a pension. The Local Government, and the Government of Pakistan, reserve to themselves the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct.

The decision of the Governor General on any question of withholding or withdrawing the whole or any part of a pension under this Regulation shall be ess and conclusive.

*Subs vide Establishment Division Corrigendum No.3/1/99-R.3, dated 8-6-1999.

Article 351-A The Governor-General reserves to himself the right to order the recovery from the pension of an officer who entered service, of any amount on account of losses found in judicial or departmental proceedings to have

been

caused to Government by _ the negligence

or fraud of such officer during his service:

Provided that—

(1)

(2)

such departmental proceedings, if not instituted while the officer was on duty:—

i) shall not be instituted save with sanction of the Governor General;

ii) shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty whichever is later;

iit) shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty; and

iv) shall be conducted by such authority and in such places whether in Pakistan or elsewhere, as the Governor General may direct;

all such departmental proceedings shall be conducted, if the officer concerned so request in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made; and

(3) such judicial proceedings, if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause

(1).

Article 351-B The government may, within one year from the date of issue of Pension Payment Order, recover any of its dues from the pension granted to a civil servant, subject to the condition that no recovery shall be made from the pension without the personal order of the Head of the Ministry or Division or Head of the Department, declared as such under S.R. 2(10) and included in Appendix No.14 Vol. Il of the compilation of the Fundamental Rules and Supplementary Rules as the case may be].

[Authority.—Establishment Division O.M.No.3/1/99-R.3, dated 30-4-1999].

Government Policy in regard to Autonomous Bodies established through Resolutions

SI. No.51:

A number of autonomous bodies were established by the Federal Government from time to time through Resolutions under which some measure of functional autonomy was allowed to the Board of Governors/Board of Directors for the purpose of effective discharge of their allocated responsibilities. The legal status of such organizations came up for consideration before the Supreme Court in Civil Appeal No.154 of 1988, and it was held by the Court that organizations established through Resolutions were not bodies corporate but Government departments, and their employees were held to be civil servants.

2. In the light of the aforesaid decision of the Supreme Court the question whether the organizations established through Resolutions should be made bodies corporate after fulfilling the required legal formality, or be run as a

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department of Government has remained under consideration of the Government

for some time.

The Chief Executive has now been pleased to approve the

following general policy guidelines:—

i)

i)

3. All

accordingly.

All Ministries/Divisions incharge of organizations established through Resolution should determine in consultation with the Management Services Wing of Cabinet Division whether those organizations should be run as Government Department (i.e. Attached Department or Subordinate Office) or as autonomous body.

Where it is considered necessary in the public interest to run an organization as an autonomous body for the effective discharge of its functions, the Ministry/ Division concerned should either get it registered as a Society or a Company under the relevant law or draft a separate legislation in consultation with Law and Cabinet Divisions for changing legal status of the organization to that of a body corporate.

Ministries/Divisions are requested to take necessary action

[Authority.—Establishment Division O.M.No.4/1/91-R.7/R.3, dated 6-9-2000].

Designation of ‘Authority’ and “Authorised Officer’ under Rule 2 of the Efficiency

and Discipline Rules in respect of employees of the Federal Secretariat

SI. No. 79

In exercise of the powers conferred by sub-rules (2) and (3) of rule 2 of the Government Servants (Efficiency and Discipline) Rules, 1973, and in supersession of the Establishment Division's Notification No. S.R.O. 1562(1)/73, dated 7-11-1973, the President is pleased to designate the officers specified in column (3) of the table below to be the authority, and to authorise the officers specified in column (4) of the said table to be the authorised officer, in respect of the

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Government Servants specified in column (2) of that table employed in the Federal Secretariat or serving in a post, or belonging to a service or cadre, administratively controlled by a Ministry or Division:-

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TABLE Serial Government Servant Authority Authorized No. Officer (1) (2) (3) (4) fide Government servants in “[Basic Prime Minister* - Pay Scales] 21 and above and Provincial Chief Secretaries ee 3. Government servants in [Basic Prime Minister Secretary] Pay Scale] 17 to 20 4. Government Servants in [Basic “Secretary Additional Pay Scale] 16 (Superintendent Secretary and equivalent) 5. Government Servants in [Basic “Secretary Joint Secretary Pay Scale] 3 to 15(Lower Division Clerk, Upper Division Clerk Assistant, Stenographer and equivalent) 6. Government Servants in [Basic Deputy Section Officer

Pay Scale] 1 and 2(Quasid, Secretary Naib Quasid and equivalent)

*SI.Nos.1 & 3 of the Table amended vide Estt. Division Notification No.S.R.O.1011(1)/85,

dated 20-10-1985.

“Subs vide Estt. Division Notification No. S.R.O. 96(1)/84, dated 28-1-1984.

™Subs & omitted vide Estt. Division Notification No. S.R.O. 1330(1)/97, dated 29-12-1997.

® Secretary includes Secretary General, Acting Secretary and Additional Secretary Incharge of a Division. (Subs vide Estt. Division Notification No. S.R.O.1336(I)/81, dated 14-12-1981).

* Note.- In the existing rules, for the allocation and transaction of the business of the Federal

Government, wherever the words "Prime Minister" occur the same shall be deemed substituted by the word "Chief Executive" vide Order No.7 of 1999, dated 30-10-1999.

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Explanation 1.-For the purpose of this notification, Secretary, Additional Secretary, Joint Secretary, Deputy Secretary or Section Officer designated as authority or authorized officer means the Secretary, Additional Secretary, Joint Secretary, Deputy Secretary or Section Officer of the Ministry or Division in which the Government servant is for the time being employed.

Explanation 2.- For a Government servant serving outside the Federal Secretariat, whether in a Provincial Government or in an autonomous body, who is serving in a post, or belongs to a service or cadre, administratively controlled by a Ministry or Division, the Secretary, Joint Secretary, Deputy Secretary or Section Officer designated as authority or authorized officer means the Secretary, Additional Secretary, Joint Secretary, Deputy Secretary, Deputy Secretary or Section Officer of that Ministry or Division.

“Subs vide Estt. Division Notification No. S.R.O. 96(1)/84, dated 28-1-1984. ™ Secretary includes Secretary General, Acting Secretary and Additional Secretary Incharge of a Division. (Subs vide Estt. Division Notification No. S.R.O.1336(I)/81, dated 14-12-1981). “Joint Secretary where there is no Additional Secretary, or where the Additional Secretary is the Authority in the absence of Secretary.

[Explanation 3.-The words "Basic Pay Scale", wherever occurring in column 2 of the table means appointment to the post in that Basic Pay Scales].

[Authority.- Estt. Division Notification No. S.R.O. 615(1)/79, dated 5-7-1979].

SI. No. 80

A reference is invited to Government Notification forwarded to

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all Ministries/Divisions etc. vide Establishment Division endorsement of even number dated 7-11-1973 wherein Authority/Authorized Officers in respect of Government servants in the Federal Secretariat have been designated under sub-rules (2) and (3) of rule 2 of Government Servants (Efficiency and Discipline) Rules, 1973. It may be stated that similar action is required to be taken in respect of Government Servants in various Attached Departments and Subordinate Offices of the Federal Government.

2. It is, therefore, requested that Ministries/Divisions may kindly take action for designation of Authority and Authorized Officer for Government Servants in the Attached Departments and Subordinate Offices under them. The Establishment Division may be consulted before formal notification is issued.

[Authority.- Estt. Division O.M.No.7/I/73-D.1., dated 17-11-1973].

SI. No. 81

According to the amendment in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, [ ] the appointing authority for Government servants in Grade 16, is now Secretary of the Ministry or Division concerned or the Head of Department "[or an officer notified by Head of the Department or Head of Subordinate Office].

"Added vide Estt. Division Notification No. S.R.O. 1227(1)/91, dated 2-12-1991. "Subs vide Estt. Division Notification No. S.R.O. 34(1)/99, dated 18-1-1999.

2. It is requested that the amendment in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 quoted above may please be kept in view by the Ministries/Divisions while formulating their proposals for designation of Authority and Authorised

Officer in respect of Government Servants in Attached and Subordinate Offices under them.

3. In some cases, "Authority" and "Authorised Officer" have been notified by the Ministries/Divisions in respect of Government servants in the Attached/Subordinate Offices, under them. It is requested that position in this regard may kindly be reviewed, especially with respect to Government servants in Grade 16.

[Authority.- Estt. Division O.M.No.7/I/73-D.1, dated 2-4-1974].

SI. No. 82

A doubt is being felt by some Ministries/Divisions whether the Establishment Division's Notification No. S.R.O. 615 (1)/79, dated the 5th July, 1979 (SI.No. 79), notifying authority and authorised officer in respect of Government servants employed in the Federal Secretariat or serving in a post, or belonging to a service or cadre administratively controlled by a Ministry or Division is also applicable to Government servants serving in the Attached Departments and Subordinate Offices. Explanation-2 below the aforementioned Notification covers a Government servant serving outside the Federal Secretariat whether in a Provincial Government or in an autonomous body, who is serving in a post, or belongs to a service or cadre administratively controlled by a Ministry or Division e.g. officers of Police Group administratively controlled by the Establishment Division or of Military Land and Cantonment Group similarly controlled by the Ministry of Defence. In that case officers of controlling Ministry/Division designated as authority and authorised officer vide Notification No. S.R.O. 615(1)79, dated the 5th July, 1979 will be the authority and authorised officer. But in so far as Government servants belonging to Attached Departments and subordinate offices are concerned, they are not covered by the Establishment Division aforementioned Notification. In their case, Ministries/Divisions concerned are required to notify

authority and authorised officer separately in accordance with the Government Servants (Efficiency and Discipline) Rules, 1973, as already envisaged in the Establishment Division O.M. No. 7/I/73-D |, dated the 17th November, 1973 (SI. No. 80).

[Authority.- Estt. Division O.M.No.3/3/80-D.1, dated 1-1-1981].

Designation of 'Authority' and ~ Authorised Officer' under Rule 2 of the Efficiency and Discipline

Rules in respect of employees of an attached department or a sub-ordinate office of the Federal Government

SI. No. 83

In exercise of the powers conferred by clauses (2) and (3) of rule 2 of Government servants (Efficiency and Discipline) Rules, 1973, the President is pleased to designate the officers specified in column (3) of the table below to be the authority and the officers specified in column (4) of that table to be the authorised officers in respect of the government servants, specified in column (2) thereof, employed in an attached department or a sub-ordinate office of the Federal Government.

S.No. Government Servants Authority Authorized Officer 1. 2. 3. 4. 1. Government servants holding “Prime Minister To be designated by posts in Basic Pay Scale 21 Prime Minister

or equivalent and above.

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“Note.- In the existing rules, for the allocation and transaction of the business of the Federal Government, wherever the words "Prime Minister" occur the same shall be deemed substituted by the word "Chief Executive" vide Order

No.7 of 1999, dated 30-10-1999.

1. 2 3. 4.

2: Government servants holding Prime Minister Secretary of the Ministry posts in Basic Pay Scale 17 or Acting Secretary or to 20 or equivalent. Senior Joint Secretary/

Joint Secretary Incharge of the Division concerned.

3. Government servants holding Head of the attached An officer, T] posts in Basic Pay Scale 3 department or Head of designated by the to 16 or equivalent. the subordinate office, authority specified

“Tor an officer not in column (3). below the appointing

authority designated by

the Head of the Department

or Head of subordinate

office].

4. Government servants holding An officer, ““[not below An officer, [ ] posts in Basic Pay Scale 1 the appointing authority] to be designed by to 2 or equivalent. designated by the Head of the authority specified

the attached department in column (3). or head of the subordinate office.

ep. Government servants holding Prime Minister. Chairman, Pakistan

posts in BPS 19-20. Ordnance Factories Board. 6. Government servants holding Chairman, Pakistan To be designated by

posts in BPS 17-18.

Ordnance Factories Board.

(In the Chief Entesab Commissioner's Secretariat)

the Authority in column 3].

@er7, Government servants holding Prime Minister Establishment Secretary. posts in Basic Pay Scale 20 and above.

8. Government servants holding Prime Minister Secretary Ehtesab

posts in Basic Pay Scale 17

Commission.

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to 19.

9. Government servants holding Secretary Ehtesab To be designated posts in Basic Pay Scale 3 Commission. by the Authority to 16. in column (3).

10. Government servants holding Director (BS-19), To be designated by posts in Basic Pay Scale 1 Ehtesab Commission the Authority in and 2. column (3)].

“Omitted vide Estt. Division Notification NO. S.R.0.35(1)/99, dated 18-1-1999. “Added ibid.

Subs ibid.

® added vide Estt. Division Notification No. S.R.O. No.128(1)/99, dated 1-3-1999.

@@ added vide Estt. Division Notification No. S.R.O. No.1178(I)/99, dated 4-10-1999.

(In the Secretariat Training Institute, Islamabad)

11. Government servants holding Prime Minister “[Establishment posts in Basic Pay Scale 17

to 20. “[12. Basic Pay Scale 17 to 18. Prime Minister 13. Basic Pay Scale 1 to 16. Director, Secretariat

Training Institute]. (In the Office of the Auditor General of Pakistan and Subordinate Offices of the Pakistan Audit Department)

“14. Government servants who are Prime Minister To be designated by the members of the Accounts Prime Minister Group holding posts in Basic Pay Scale 21 and above.

15. Government servants holding Prime Minister Auditor General posts in Basic Pay Scale 17 to 20 borne on the Inter- Departmental Cadre in the Accounts Group.

16. Government servants holding Prime Minister Auditor General posts in Basic Pay Scale 17 borne on the Departmental

Secretary]

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Cadre in the Pakistan Audit Department. 17. Government servants holding Prime Minister Auditor General]. posts in Basic Pay Scale 17 to 20 in the Pakistan Audit Department excluding Government servants holding cadre posts in the Inter- Departmental Cadre or Departmental Cadre.

2. For the purpose of the entry in column (4) against serial No.3 and the entries in column (3) and (4) against SI. No.4 more than one officers may be designated as authority and authorized officers.

“ Added vide Estt. Division Notification No. S.R.O. No.174(I)/96, dated 29-2-1996. ™ Added vide Estt. Division Notification No. S.R.O. No.1121(1)/95, dated 7-11-1995. “ Added vide Estt. Division Notification No. S.R.O. No.1013(1)/98, dated 3-10-1998.

3. Notwithstanding anything to be contrary hereinbefore contained, all notifications or orders issued by any Ministry or Division specifying ‘authorities’ and ‘authorised officers’ in respect of the Government servants

to whom this notification shall apply and in force before the issuance of this notification shall continue and remain in force till finalization on of disciplinary proceedings initiated against any such Government servant.

[Authority.- Estt. Division Notification No. S.R.O.No. 429(1)98, dated 30-4-1998].

Procedure for obtaining orders of the President or Prime Minister in disciplinary cases

SI. No. 84

It has been decided that in future, all the summaries for the President in disciplinary cases should invariably be accompanied by the information desired in the enclosed proforma. The cases/ summaries received without this information will be returned back to their respective Ministries and Divisions.

[Authority.- Estt. Division d.o.letter No.3/4/83-D-2, dated 24-3-1983].

BIO-DATA

(TO BE USED IN DISCIPLINARY & OTHER CASES)

1. Name of the Officer

a. Grade

b. Date of Birth & Age on (Years Months Days)

c Date of Joining & Length of Service. (Years Months Days)

d. Date of Absence from duty. (if applicable)

e. Total ACRs \V.Good Good Average Below Average (Years to be shown against Average & Below Average ACRs). Note:

(1) Any missing ACRs with reasons.

(2) Photo of the Officer is affixed in the C.R.dossier or not

and reasons if missing.

Adverse Remarks.

g. Service (Showing Appointments held).

Powers of the "Authorized Officer" to suspenda Government servant

or to send him on leave

SI. No. 85

Rule 5(1) of the Government Servants (E&D) Rules, 1973 provides that in case where a Government servant is accused of subversion, corruption or misconduct, the authorized officer may require him to proceed on leave or, with the approval of "authority", suspend him, provided that any continuation of such leave or suspension shall require approval of the "authority" after every 3 months. Rule 5(4) of above rule further provides that if on receipt of the report of inquiry officer or inquiry committee, or, where no such officer or committee is appointed, on receipt of the explanation of the accused, the "authorized officer" proposes to impose a minor penalty, he shall pass orders accordingly. Following questions have accordingly arisen in the context of above rules:-

(a) Whether specific approval of the "authority" will be required for reinstatement of the Government servant concerned if the "authorized officer" imposes upon him a minor penalty before expiry of the current period of suspension or whether an order for the reinstatement of Government servant can be passed by the “authorized officer" himself?

(b) Whether the order of suspension or forced leave under Rule 5(4) of above rules will automatically abate if the approval of "authority" to the continuation of such forced leave or suspension of a Government servant is not obtained after every 3 months?

2. The matter has been recently examined in the Establishment Division in consultation with the Law Division. The conclusion reached is given below ad-seriatim:-

(a) Since under rule 5 of the Government Servants (Efficiency and Discipline) Rules, 1973, the “authorized officer’ can only suspend a Government servant after obtaining the approval of the "authority", on the basis of the principle embodied in section 25 of the General Clauses Act, 1897 the "Authorized Officer" would be competent to reinstate the Government servant only with the approval of the "authority".

(b) Since continuation of forced leave or suspension beyond a period of three months again requires the approval of the "authority" it would appear that on expiry of the said period of three months the Government servant who has been placed under suspension or forced to proceed on leave would be deemed to have been reinstated unless before the expiry of the said period the approval of the "authority" to the Government servant continuing to

be under suspension or on leave has been obtained. [Authority.- Estt. Division O.M. No.7/2/75-DI. dated 22-2-1975]. SI. No. 86

A reference is invited to the Establishment Division Office Memorandum of even number, dated the 22nd February, 1975, wherein the legal position with regard to suspension, extension of suspension period and reinstatement of the civil servants was explained.

2. It has come to the notice of the Establishment Division that

on the basis of the above instructions, civil servants under suspension are being re-instated on the ground that approval of the authority for their continued suspension was not obtained before the expiry of three months of their suspension or the extended period of suspension.

3. It may be clarified that the intention of the Establishment Division in circulating the legal position contained in the O.M. referred to above was to impress upon the Ministries/Divisions the importance of obtaining the approval of the authority for the continued suspension of a civil servant well in time. As has been stated in para 2 (b) of O. M. referred to above, it is necessary to obtain orders of the authority for the reinstatement of a civil servant who is under suspension.

4. Ministries/Divisions are requested to take necessary steps to obtain the approval of the authority for suspension of a civil servant after every three months well in time before the expiry of the period of suspension. In no case should a Government servant under suspension be re-instated without the approval of the authority.

[Authority.- Estt. Division O.M.No.7/2/75-Dl, dated 16-3-1976].

Authority competent to suspend officers of Grade-17 and above

SI. No. 87 It has been brought to the notice of the Prime Minister that

some officers of the rank of Grade-17 and above have been suspended by the Ministers as a measure of disciplinary action.

While it is not the intention that action should not be taken against a Government servant guilty of misconduct, corruption or for inefficiency, it is a matter of some importance that the correct procedure should be followed in each case. Observance of correct procedure is essential not only in the interest of justice but also to ensure that Government Servants (Efficiency and Discipline) Rules, 1973 are complied with. The position is further clarified in the following paragraphs:-

2. Under rule 3 of the above rules action against a Government servant can be taken if he -

(a) is inefficient or has ceased to be efficient; or

(b) is guilty of misconduct; or

(c) is corrupt or may reasonably be considered corrupt because -

(i) he is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or

(ii) he has assumed a style of living beyond his ostensible means; or (iti) he has a persistent reputation of being corrupt; or

(d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably

suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and retention in service is therefore prejudicial to national security.

3. In case where a Government servant of Grade-17 to 20 is accused of subversion, corruption or misconduct, the competent authority may require him to proceed on leave or with the approval of the authority (/.e. Prime Minister) suspend him, provided that any continuation of such leave or suspension shall require approval of the authority after every three months. A Government servant against whom action is proposed to be taken under the rules for inefficiency he cannot be sent on leave or placed under suspension. The following factors should be considered in deciding whether or not to suspend the accused:-

(a)

(b)

(c)

There must be a strong prima facie case against the delinquent.

If the offence is such a serious nature that dismissal will be the probable punishment, or such that it is inadvisable that the offender should be allowed to continue to perform the duties of his office pending decision on the case, suspension is justifiable.

Unless there is some very strong reason why the offender should not be allowed to continue to work until the case has been decided suspension should not be resorted to.

"4. Under sub-rule (2) of rule 2 of the rules, the authority for the officers of Grade 17 to 20 is the Prime Minister as notified in the Establishment Division Notification No. S.R.O.1562(I)/73, dated the

7th November, 1973. If it is desired to suspend an officer of Grade 17 to 20 the approval of the Prime Minister for his suspension will have to be obtained.

“Please see note under rule 3, ibid.

5. It should be decided whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. The orders of the Minister may be obtained before a decision is taken. If it is decided that it is not necessary to have an inquiry conducted, the accused should be informed of the action proposed to be taken in regard to him and the grounds of the action and give him a reasonable opportunity of showing cause against that action. However, no such opportunity may be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

6. If it is decided to hold an inquiry against an accused officer through an Inquiry Officer or Inquiry Committee the following action should be taken:

(1) Charge sheet be framed and communicated to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.

(2) The accused be required within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.

(3) The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.

(4) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his or its findings and the grounds thereof to the Secretary/ Additional Secretary.

7. On receipt of the report of the Inquiry Officer or Inquiry Committee or, where no such officer or committee is appointed, on receipt of the explanation of the accused, if any, the authorized officer should determine whether the charge has been proved. If it is proposed to impose a minor penalty he should pass orders accordingly. If it is proposed to impose a major penalty, he should submit the case to the Prime Minister along with the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed.

8. As stated above, the authority for officers of Grade 17 to 20

is the Prime Minister. If it is intended to suspend an officer in those Grades approval of the Prime Minister is necessary. It is requested that approval of the Prime Minister may kindly be obtained through the Establishment Division in such cases. The rules do not provide for obtaining of ex-post facto sanction for suspension.

[Authority.- Estt. Secretary's D.O. letter No.F.4/21/74-Dl, dated 19-11-1974].

Appointment of an Inquiry Officer under

the Government Servants (Efficiency & Discipline) Rules, 1973

SI. No. 88

Under rule 5 (1) (ii) of the Government Servants (Efficiency and Discipline) Rules, 1973, the "Authorised Officer" has the powers to order holding of inquiry against an accused government servant through an Inquiry Officer or Inquiry Committee. It has been noticed that sometimes the Ministries/ Divisions/Departments appoint Inquiry Officers who are junior to the accused government servant.

2. It is clarified that it is not appropriate to appoint an "Inquiry Officer" junior to the officer being proceeded against under the aforementioned Rules as that could lead to administrative and legal complications at a later stage. All Ministries/Divisions are, therefore, advised to keep this aspect in view while appointing inquiry officers in cases involving disciplinary cases under the E&D Rules.

[Authority.- Estt. Division O.M. No. 16/61/94-R.2, dated 24-1-1995].

Grant of personal hearing to the accused Government Servant under Rule 5 (1) (iii) of the Government Servants (Efficiency & Discipline) Rules, 1973

SI. No. 89

Rule 5 (1) (iii) of the Government Servant (Efficiency and Discipline) Rules, 1973, provides that if the authorised officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall -

(a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of action, and

(b) given him a reasonable opportunity of showing cause against that action.

2. A question has arisen as to whether a reasonable opportunity of showing cause against the proposed action includes grant of personal hearing to the accused. The matter has been considered in consultation with the Law and Justice Division and it has been decided that in order to safeguard against the possibility of the disciplinary proceedings, being vitiated at later stage, the show cause notice should contain a reference asking the accused if he wishes to be heard in person.

3. All Ministries/Divisions are accordingly advised that, henceforth, every show cause notice to be issued in terms of rule 5 (1) (ili) of the Government Servants (Efficiency and Discipline) Rules 1973, must contain a specific reference asking the accused to state whether he wishes to be heard in person.

4. The above decision is circulated for the information of Ministries/Divisions with the request to also bring it to the notice of the Attached Department/Subordinate Offices, etc, under the administrative control for necessary action.

[Authority.- Estt. Division O.M.No.16/29/96-R.2, dated 17-6-1996].

Authority and Authorised Officer under the Government Servants (Efficiency and Discipline) Rules, 1973 for the Officers

who are drawing pay ina

higher Pay Scale by virtue of Move-over or Selection Grade

SI. No. 90

A question has arisen as to who should be the Authorised Officer or Authority, under the Government Servants (E&D) Rules, 1973 in respect of an employee who is drawing pay in a pay scale higher than the pay scale of his substantive appointment by virtue of move-over or grant of selection grade.

2. The issue has been examined in the Establishment Division. According to the instructions issued by the Finance Division, the following condition is, inter alia, laid down for grant of move-over:

"The move-over shall not be construed to be a promotion to be post of higher Basic Pay Scale, but the higher pay scale will be treated to be an extension of the existing Basic Pay Scale of the post held by the employees. Therefore, the incidence of move-over shall not be notified."

Similarly, an officer who is placed in the selection grade of a particular post continue to perform the duties of the same post. He cannot, therefore, be treated to have been promoted to a higher post. Moreover, the name of an employee who is allowed to move-over to the next higher pay scale or is granted selection grade in a particular cadre, continues to be placed in the seniority list of employees belonging to the same cadres.

3. In view of the position stated above, it is clarified that the substantive post of a government servant and not his pay scale on account of move-over or selection grade should be taken into account for the purpose of disciplinary proceedings against him. By stepping into a higher pay scale, by virtue of move-over, or selection grade, the Authority, and Authorised Officer will not change but will remain the same as in previous scale. For example, the Authority and Authorised Officer in respect of a Superintendent, a BS-16 post, would remain respectively the Secretary and Additional Secretary even if the incumbent has been placed in BS-17, by move-over or selection grade.

4. The position as explained above may be brought to the notice of all concerned.

[Authority.- Estt. Division O.M.No.16/24/94-R.2, dated 22-6-1995]. Continuance of suspension period beyond 3 months - Procedure for submission of summaries to the ‘President SI. No. 91 Rule 5 (1) of the Government Servants (Efficiency and Discipline)

Rules, 1973 provides that in a case where a Government Servant is accused of subversion, corruption or misconduct, the authorized officer may

require him to proceed on leave or, with the approval of the authority, suspend him, provided that any continuation of such leave or suspension shall require approval of the authority after every 3 months.

2. It has been observed that the Secretaries of the Ministries/Divisions concerned do not submit summaries for the ‘President for the continuation of the period of suspension of Government Servants where the ‘President is the authority, after every three months well in time. At times they do not at all move the proposal for further continuation of the period of suspension after a Government Servant has been initially suspended for a period of three months.

3. As it is mandatory under the rules to obtain the approval of the authority to the continuation of the period of suspension after three months, it is imperative that in cases where the ‘President is the authority the proposals for extension of suspension period should reach the Establishment Division in the form of "Summary for the ‘President’ addressed to COS to the President at least a fortnight before the expiry of initial/extended period of suspension.

4. It is therefore, requested that action should be initiated in good time to avoid complications later on.

[Authority.- Estt. Division D.O.letter No.10/6/79-C.1I(B), dated 30-10-1979]. Extension in period of suspension SI. No. 92

It has been observed that while making a request for extension in the suspension period of a civil servant under suspension, on expiry of the current sanction after three months, the Ministries/Divisions do not mention the stage of disciplinary proceedings/inquiry etc. against the accused.

2. It has, therefore, been decided that whenever such a request is made by the Ministries/Divisions, the present position of the disciplinary case including the stage of inquiry, if it is in progress, may invariably be stated in

the proposals for extension in the period of suspension of the accused Officer.

[Authority.- Estt. Division O.M. No. 2/26/86-D.I., dated 30-8-1987].

“After the word "President" the words “or Prime Minister" stands added vide Estt. Division Notification No. S.R.O. 43(1)/86, dated 7-1-1986.

Stoppage of Increment under Government Servants Efficiency and Discipline Rules, 1973

SI. No. 93

Instances have come to the notice of the Establishment Division where the penalty of stoppage of increment under Government Servants (Efficiency & Discipline) Rules, 1973, has been imposed on government servants, who have reached the maximum of the pay scale thus making the penalty ineffective. It is therefore necessary that the stage of the pay scale at which a government servant is drawing pay is kept in view by the competent authority before imposing the penalty of stoppage of increment under the above Rules.

[Authority.- Estt. Division O.M.No.31/46/86-R-3, dated 7-12-1986].

Imposition of major penalties under Rules 4 (1) (b) (i) of the Government Servants (Efficiency and Discipline) Rules, 1973

96 SI. No. 94

Reference Rule 4 of the Government Servants (Efficiency & Discipline) Rules, 1973 provides for minor and major penalties. The minor penalties include with holding of promotion or increments and stoppage (at an efficiency bar) in the time scale. These penalties have to be for a specific period. On the other hand, major penalties, inter alia, include reduction to a lower post or time scale or to a lower stage in a time scale. It is clear that, in the case of minor penalties /.e. of with holding of promotion or increments or stoppage in time scale the same have to be imposed for a specific period. In case of major penalties, however, the promotion earned, increment or stage in the time scale already in force is reversed. In view of this, there is no mention of period in respect of major penalties in contradistinction to minor penalties. Hence no period is required to be specified while imposing major penalties as laid down in rule 4 (1) (b) (i) of the rules.

[Authority.- Estt. Division O.M. No. 1/1/89-R.3, dated 5-8-1991].

Competency of the punishing authority to re-try cases or

to revise punishments already imposed

SI. No. 95 The following questions have arisen:-

(a) Where an original punishing authority can, on his own accord, re-try a case in which he has already passed orders on the grounds that some flaws in the statutory procedure have been detected by him after the issue of orders but before any appeal has been preferred to the appellate authority against these orders; and

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(b) Where a_ punishing authority can, merely on reconsideration, modify and revise the penalties already imposed by him in a case in which there has been no flaw in the statutory procedure.

2. The reply to both questions is in the negative. An original punishing authority cannot revise its own punishing orders whether merely on reconsideration or on discovery of some flaw in the statutory procedure after the original orders are passed but before any appeal has been preferred against these orders. In either case, if no appeal has been preferred, only the Governor General-in-Council in exercise of his revisional powers can order a re-trial of the case or a modification of the original orders.

3. In this connection it may be added that the intention of the orders contained in para 2(b) of this office letter No.ESB, Ill-I/36, dated the 29th May, 1936, is that the appellate authority can order retrial of a case on the ground of flaw in procedure only on receipt of an appeal from the appellant. If no appeal has been preferred or if an appellate authority has already passed his order on an appeal the only authority competent to order retrial in a case on the grounds of flaw in procedure is the Governor General-in-Council.

[Late D.G.P.&T. New Dehli letter No. E.Ill- 18/41, dated the 30 January, 1941 to all Heads of Circles]

Note.- The clarification given by the late D.G.P.&T. in his above letter is valid in the present context.

[Authority.- Estt. Division U.O.Note No.1012/66-DI, dated 21-2-1967].

Powers of the Authority under rule 6-A of the Efficiency and Discipline Rules

SI. No. 96

Under the provisions of Rule 6-A of the Government Servants (Efficiency and Discipline) Rules, 1973, the authority may call for the record of any case pending before or disposed of by the authorized officer and pass such order in relation thereto as it may deem fit.

2. To enable the 'Authority' to perform its function more effectively under the provision of said rule, it has been decided that in future, whenever the disciplinary proceedings are completed against a Civil Servant of the Federal Government in BPS 17 and above copies of the record of the proceedings viz: charge sheet alongwith statement of allegations; show cause notice, if issued instead of charge sheet; report of the Inquiry Officer and the final orders, be endorsed to Establishment Division, Joint Secretary (Discipline).

3. The above decision may also be brought to the notice of all Attached Departments/Subordinate Offices; for strict compliance in future.

[Authority.- Estt. Division O. M. No. 2/83/80-C. II(B), dated 17-11-1980].

Initiation of proceedings against officers screened and cleared in the past

SI. No. 97

The President has been pleased to direct that his prior approval must invariably be obtained before any proceedings are initiated against an officer on the same facts on which he was screened and cleared wholly or partially in the past.

[Authority.- Estt. Secretary D.O. No. 4/14/60-SR, dated 18-11-1960].

Disciplinary procedure to be followed in cases where no Inquiry Officer/ Committee is appointed

SI. No. 98

Rule 5 (1) (iii) of the Government Servants (Efficiency and Discipline) Rules, 1973 provides that if the authorized officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall:-

(a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of action, and

(b) give him a reasonable opportunity of showing cause against that action.

2. Both the provisions mentioned at (a) and (b) in the preceding paragraph are mandatory. On an appeal filed by a Government servant against the order of his compulsory retirement, the Service Tribunal has recently set aside the order of his compulsory retirement on the grounds that neither the action to be taken was specifically mentioned in the Show Cause Notice nor was he given a reasonable opportunity of showing cause against the proposed action. It has been pointed out by the Service Tribunal that there are decisions of the superior courts on the point that whenever any discretion is given to an authority, it has to be exercised not

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arbitrarily but honestly, justly, and fairly in the spirit of rules, and on judicial grounds and for substantial, reasons. For this purpose, the nature of allegations against the accused has to be considered. Ina case where it is clear to the authorized officer that the accused can be given reasonable opportunity of showing cause against the action proposed to be taken e.g. where the allegations could be decided by reference to record in a summary manner, the procedure under sub-rule (iii) of Rule 5(1) may be adopted. Otherwise the ends of justice would be served by ordering an inquiry through an Inquiry Officer or Inquiry Committee.

3. In a Show Cause Notice the proposed action is required to be specified, and no general mention is to be made by reference to all the minor or major penalties in the rules.

4. Further, serving of a Show Cause Notice and mere reply thereto in denial of allegations or mere questions and answers do not amount to affording the accused reasonable opportunity of showing cause as required by clause (b) of Rule 5 (I) (iii) of the Government Servants (Efficiency and Discipline) Rules, 1973. The requirement of reasonable opportunity of showing cause against proposed action will only be satisfied if particulars of the charge or charges, substance of evidence in support of the charges and specific punishment which would be called for after the charge or charges are established are communicated to the civil servant who is given reasonable time and opportunity to show cause.

[Authority.- Estt. Division O.M. No. 6/8/79-D.1., dated 10-7-1979].

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Specification of penalty in the charge-sheet/show cause notice under the Government Servants (Efficiency & Discipline)

Rules 1973.-

SI. No. 99

Under rule 5 of the Government Servants (Efficiency and Discipline) Rules 1973 in case a Government Servant is accused of subversion, corruption and misconduct, the authorized officer shall, inter alia, decide whether in the light of facts of the case or interest of justice an inquiry should be conducted through an Inquiry Officer or inquiry Committee. If he so decides, the procedure indicated in rule 6 thereof shall apply. The charge-sheet accompanied by the statement of allegations, shall accordingly be framed by the authorized officer and got served on the accused. If, however, the authorized officer decides that it is not necessary to have an inquiry conducted he shall serve on him a show cause notice in terms of rule 5 (1) (iii) of the said rules specifying therein the penalty proposed to be imposed upon the accused.

2. A reference to rule 6 of the Government Servants (Efficiency & Discipline) Rules, 1973 will show that in a charge sheet, the penalty or penalties which may be imposed if the charge or charges are established are not required to be specified. The proposed penalty or penalties are specified in the:

(i) Show cause notice issued in terms of rule 5 (I) (iii) of the Government Servants (Efficiency & Discipline) Rules, 1973, or

(ii) Show cause notice issued in terms of rule 5 (i) (iv) of the Government Servants (Efficiency and Discipline)

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Rules, 1973, after the authorized officer has considered the inquiry report and arrived at a provisional conclusion as the penalty to be imposed as required vide para 3 of the Establishment Division O.M. No. 4/20/82-R.1. dated 20th July, 1982 (SI.No.107) in pursuance of Supreme Court's judgement in the case of the Mir Muhammad V/s NWFP (All Pakistan Legal Decisions SC-179).

4. The above instructions may also be brought to the notice of attached departments/subordinate offices for compliance in future.

[Authority.- Estt. Division O.M. No. 2/1/82-D-2, dated 11-1-1982 as modified vide Estt. Division O.M. of even number dated 3-7-1985].

Requirement to issue a fresh

show cause notice if the penalty imposed under Government Servants (Efficiency and Discipline) Rules, 1973, or proposed to be imposed is greater than that specified in the show cause notice, or is proposed

to be enhanced by the appellate authority

SI. No. 100

As a result of disciplinary action taken against a Government servant the appellate authority considered the penalty imposed by the authorized officer to be inadequate and enhanced the penalty. The government servant filed an appeal against enhancement of penalty before the Service Tribunal (Appeal No. 2(K) of 1980). The Service Tribunal while accepting the appeal observed that the penalty was enhanced without giving the appellant an opportunity of being heard which was against natural justice and further observed that "we are of

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the firm opinion that even if the rules are silent on the subject, any time an appellant's punishment is enhanced, he will be given a show cause and a hearing. This requirement of natural justice shall always be read into the rules." The Division concerned referred the observation of the Service Tribunal to the Ministry of Law who confirmed that while it was open to the appellate authority to revise the sentence upward, it would be appropriate for the appellate authority to give a show cause notice to the appellant and hear him before passing the order. They advised that the order of the Tribunal should, therefore, be obeyed.

2. The observations of the Service Tribunal and the advice of the Justice Division mentioned in para 1 is brought to the notice of all Ministries/Divisions and Departments for guidance and compliance.

3. The cases in which a penalty is enhanced may be as follows:-

(i) Where the authority decides to enhance the penalty proposed by the authorized officer and which is greater than the maximum penalty shown in the show cause notice issued by the authorized officer in terms of rule 5 (1) (iil) of the Government Servant (Efficiency & Discipline) Rules, 1973, or in the show cause notice issued by the authorized officer in terms of rule 5(1) (iv), after considering the inquiry report, as the case may be; or

(ii) Where the authority in exercise of its revisionary powers under rule 6-A of the rules, decides to enhance a penalty already imposed in a case already disposed of or which, in a pending case,is greater than the penalty shown in the show cause notice; or

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(iii) | Where the appellate authority, in exercise of its appellate jurisdiction, decides to enhance the penalty already imposed on the appellant.

The Ministries, Divisions and Departments are advised to ensure that in all such cases as are mentioned above, before the penalty is enhanced a show cause notice is invariably issued and the accused/appellant is given an opportunity of being heard in person.

[Authority.- Estt. Division O.M. No. 4/42/83-D.2, dated 29-7-1985].

Specification of Major Penalty

in the Show Cause Notice issued under Government Servants (Efficiency and Discipline)

Rules, 1973

SI. No. 101

Attention is invited to para 3 of Establishment Division O.M.No.2/1/82-D.2, dated 11-1-1982 as corrected vide para 1 of O.M. of even No. dated 3rd July 1985, (SI.No.99) wherein advice was conveyed that while issuing a show cause notice to an accused Government official under the Government Servants (Efficiency and Discipline) Rules, mention of Imposition of the penalty of "dismissal from service" should, invariably, be made. Once an accused official has been served with a show cause notice for the highest penalty of "dismissal from service" under the said rules, there can be no legal objection to the imposition of a lesser penalty/penalties on him, if subsequently so warranted on finalisation of the disciplinary

proceedings.

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2. Attention is also invited to this Division O.M. No.4/42/83-D.2, dated 29-7-1985, wherein it was laid down that if a penalty is enhanced in the following cases, a show cause notice should invariably be issued, and the accused/appellant be provided an opportunity of being heard in person:

(i)

(ii)

(ii)

Where the ‘Authority’ decides to enhance the penalty proposed by the ‘authorised officer’ and which is greater than the maximum penalty shown in the show cause notice issued by the ‘authorised officer’ in terms of rule 5 (1) (ill) (0) of Government servants (Efficiency and Discipline) Rules, 1973, or in the show cause notice issued by the authorised officer in terms of rule 5 (1) (iv), after considering the inquiry report, as the case may be; or

Where the authority in exercise of its revisionary powers under rule 6-A of the rules, decides to enhance a penalty already imposed in a case already disposed of or which, in a pending case, is greater than the penalty shown in the show cause notice, or

Where the Appellate authority, in exercise of its appellate jurisdiction, decides to enhance the penalty already imposed on the appellant.

3. It has been observed that in some cases due regard was not paid to the above instructions. All Ministries and Division are requested to ensure that the above instructions are strictly observed in all cases to preclude legal/procedural objections.

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[Authority.- Estt.Division O.M.No.16/8/98-R.2, dated 19-3-1998].

Publication of Notices in the Newspapers

SI. No. 102

It has come to the notice of the Government that the procedure of publication of notices in the press in the cases of unauthorized absence/abscondment from duty is being frequently resorted to without taking into consideration the provisions of rule 8(b) of the Government Servants (Efficiency and Discipline) Rules, 1973, which provides for the dispensation of adopting even formal procedure in such cases. This not only results in undue delay in finalization of these disciplinary cases but also undue wastage of Government money on publication of such notices.

2. The matter has, therefore, been considered in the Establishment Division in consultation with Law Division. It is clarified that under the Government Servants (Efficiency and Discipline) Rules, 1973, there is no provision making it obligatory or mandatory for the authority/authorized officer to publish a notice in the newspaper in the cases of unauthorized absence/ abscondment from duty. The requirement of rule 5 of the

Government Servants (Efficiency and Discipline) Rules, 1973, is that the accused may be informed of the action proposed to be taken in regard to him and the grounds of such action and that he may be given a reasonable opportunity of showing cause against the action. This information can be conveyed to him by different means, i.e. by registered post at his last known address or by affixation of a notice at that address, etc. Same is the position under rule 6(2) in respect of service of a charge-sheet. According to rule 8 of the said rules nothing in rule 5 shall apply if the authority competent to dismiss or remove a person from service, or to reduce a person in

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rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause, for instance, if it is reported that the accused has left his place of abode without leaving an address or he has gone out of the country and his whereabouts are not known. If the authority mentioned in rule 8(b) is satisfied about the genuineness of the report it may invoke the provision contained in the said rule. The publication of a notice in newspapers may not be resorted to.

3. The publication of notice in the newspapers, in such cases should however, be resorted to in very rare cases where the competent authority is not in a position to record reasons for its satisfaction as to the practicability of affording the accused an opportunity of showing cause. There a lack of response to such a notice may induce that authority to be so satisfied.

4. The above instructions may please be brought to the notice of all concerned for strict compliance in future.

[Authority.- Estt.Division O.M.No.4/18/83-D-2, dated 15-2-1984]. SI. No. 103

A case has come to notice where long leave granted to a postal clerk was cancelled and he was asked to resume duty immediately. When he failed to do so, a notice was published in the newspaper directing him to resume duty within seven days otherwise ex-parte proceedings under the Government Servants (Efficiency and Discipline) Rules, could be taken against him which might result in his removal from service. He failed to resume duty. He was accordingly dismissed from service. His departmental appeal was rejected. Thereafter he filed an appeal in the Service Tribunal (Appeal 2(P) of 1984). The Service Tribunal accepted the appeal and set aside the order holding as follows:

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"It is manifestly evident that the impugned order was passed without taking any proceeding under the Efficiency & Discipline Rules though in the notice published in the newspaper it was categorically stated that in case of failure of the appellant to resume duties,ex-parte proceedings under the E& D Rules would be taken against him. In any case, the punishment of dismissal from service could be awarded only after taking proceedings under the E&D Rules which was not done and the-impugned order was passed in an arbitrary and unlawful manner. The position being so clear, the impugned order cannot be sustained and we have no option but to set it aside."

2. The observations of the Service Tribunal are brought to the notice of all Ministries, Divisions, and Departments who should ensure that due care is taken in observing the requirements of Government Servants (Efficiency and Discipline) Rules, 1973 in takings disciplinary action against civil servants. In this case, what was published was merely a notice or a warning that if the clerk did not resume duty, action under Government Servants (Efficiency and Discipline) Rules would be taken. However, on his failure to resume duty as directed, order to dismissal was straightway passed without initiating disciplinary action on the ground of misconduct.

3. In this connection a reference is also invited to the Establishment Division O.M. No. 4/18/83-D.2, dated 15th February, 1984 bringing out the requirement of rule 8, clause (b) and the circumstances in which that rule can be involved. According to rule 8(b) nothing in rule 5 (containing inquiry procedure) will apply to a case where the competent authority is satisfied that for reasons to be recorded in writing, it is not reasonably practicable to give the accused an opportunity or showing cause. If all efforts to communicate with the accused through normal channels (like sending him the notice or charge sheet by registered post to his known addresses) fail, that may

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induce the authority to be so satisfied. For this purpose, publication of charge sheet or show cause notice, as the case may be, in the national press is certainly not required. However, if in rare case, the competent authority is unable to satisfy itself that it is not reasonably practicable to communicate with the accused, the competent authority may publish the notice /.e. show cause notice in terms of rule 5 (1) (iii) of the Government Servants (E&D) Rules, 1973 or rule 5 (I) (iv) or charge sheet in term of rule 6 (as the case may be) in the newspaper and any lack of response to it may satisfy the competent authority that it is not responsibly practicable to give the accused an opportunity of showing cause.

[Authority.- Estt. Division O.M.No.4/18/83-D.2, dated 9-7-1985].

Disciplinary action - need to observe strictly the rules and procedure relating to check list

SI. No. 104

It has been observed that in dealing with disciplinary cases, care is not generally taken to observe the procedure laid down in the Government Servants (Efficiency and Discipline) Rules, 1973. Such omissions vitiate the case and if the Government servant concerned goes in appeal to the Service Tribunal, the appeal is sometime accepted on this account. It is, therefore, necessary that extreme care is taken to ensure that the cases are dealt with according to the prescribed rules and procedure.

2. The Establishment Division has been issuing instructions from time to time drawing attention of all concerned to specific requirements of rules and procedure or to omissions generally noted in disciplinary action. In this connection a reference is invited to the

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Establishment Division O.M. No. 7/2/79-D-|, dated 18th November, 1979 with which a check list for guidance of authority, authorized officer and inquiry officer was circulated to ensure that all procedural requirements are met. This was followed by a circular d.o. letter No. D-553/80-JS (Rev & D) dated 22nd October, 1980 (SI. No. 106) from Establishment Secretary to all Secretaries, drawing attention to some irregularities noticed in the disciplinary cases submitted to the Establishment Division. In Establishment Division O.M. No. 4/20/82-R.|, dated 20th July, 1982 (SI. No.107) it was further laid down that in future, after the authorized officer has considered the inquiry report and arrived at a provisional conclusion as to the penalty to be imposed on the accused, the accused should be supplied with a copy of the inquiry report and asked to show cause within a specified time as to why the particular penalty should not be imposed on him and any representation submitted by the accused in his behalf should be taken into consideration before final orders are passed.

3. It is requested that the instructions issued from time to time and particularly the instructions in the office Memoranda quoted in para 2 may strictly be followed in future by the Ministries/Divisions and by departments and offices under their administrative control. For facility of reference, the instructions contained in the three office memoranda quoted in para 2 have been consolidated in a fresh check list, which is attached to this letter as Annexure. It should always be consulted while processing disciplinary cases.

[Authority.- Estt. Secretary's d.o. letter No.3/I/85-D.2, dated 26-3-1985].

ANNEXURE

CHECK-LIST OF REQUIREMENTS TO BE NOTED WHILE TAKING ACTION UNDER GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE)

111 RULES, 1973

Authority. - To ensure that:-

The President has been pleased to designate the officer or authority to exercise his powers as Authority under rule 2(2).

Authorized Officer. - To ensure that:-

1; The officer exercising the powers of Authorized Officer has been authorized by the Authority to act as such in terms of Rule 2(3).

2. The Authorized Officer while exercising his discretionary powers of suspension under rule 5(l) (i) has obtained prior approval of the Authority in writing before issuing orders suspending the accused officer. The summaries for authority seeking its approval for Suspension or extension of suspension period are signed by the authorized officer and not by any other officer. Further, an officer can be suspended only if he is accused of subversion, corruption or misconduct Rule 5 (1) (i).

3 Formal approval of the Authority is available for continuation of the suspension period after every three months Rule 5 (1) (i).

4. Formal approval of the authority is available for extending the period of forced leave after every three months Rule 5 (1) (i).

5. No officer other than the Authorized Officer has decided that in the light of the facts of the case or in the interest

of justice an inquiry should be conducted through an Inquiry office or Inquiry Committee, Rule 5(1)(ii).

Considering the nature of charges and other facts, the decision not to hold an inquiry has been taken judiciously and not arbitrarily. Before taking such a decision, the authorised officer has taken into consideration the nature of charges and other facts and has satisfied himself that the allegations against the accused could be decided without holding an enquiry.[Rule 5(1)(iii]. (Though it is not a requirement of the rule that the reasons for not holding an inquiry be recorded, yet the check-point is necessary to ensure that the decision is in the interest of justice as required by rule and that there is no violation of the law of natural justice).

The procedure prescribed in rule 6 is followed in case the Authorized Officer in exercise of his discretionary power under Rule 5 (1) (ii) has decided to hold an inquiry through an Inquiry Officer or Inquiry Committee.

Formal order regarding appointment of Inquiry Officer or Inquiry Committee, as the case may be, has been issued by the Authorized Officer and not by any other officer. [Rule 6 read with rule 5 (1) (ii)].

A formal charge-sheet together with a statement of allegations has been framed and communicated to the accused officer by the Authorized Officer under his signature. (The statement of allegations should also be authenticated by the authorized officer). [Rule 6 (1)].

10.

(i)

(ii)

11.

12.

13.

14.

The charge sheet requires the accused:

to put in written defence within a reasonable time which is not less than 7 days or more than 14 days from the day the charge has been communicated;

to state whether he desires to be heard in person, [Rule

6 (2).

The procedure laid down in Rule 5 (1) (ili) is followed in case the Authorized Officer in exercise of his discretion has decided to dispense with holding an inquiry through an Inquiry Officer or Inquiry Committee.

In the show cause notice issued under Rule 5 (1) (iii) the proposed action and the grounds of the action including particular or particulars of charges and substance of evidence in support of the charges has been specified; the grounds for penalty in terms of rule 3 have been specifically mentioned; the penalty or penalties which would be called for if the charges are established have been specified and no general mention has been made by reference to all minor or major penalties. The description of penalties should conform to the description given in the rules. The show Cause notice must be signed by the authorized officer.

On receipt of the report of the Inquiry Officer or Inquiry Committee or on receipt of explanation of the accused officer under Rule 5 (1) (ili) the Authorized Officer has determined whether the charge or charges against the accused officer has been proved or not [Rule 5 (1) (iv)].

After the authorised officer has considered the inquiry

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report and arrived at a provisional conclusion as to the penalty to be imposed, the accused shall be supplied with a copy of the inquiry report and asked to show cause within a specified time, which should not be less than 7 days and more than 14 days for the date of receipt of inquiry report, against the particular penalty to be imposed and any representation submitted by the accused in this behalf shall be taken into consideration before final orders are passed.

15. —_In case the Authorized Officer has proposed imposition of a major penalty on the accused officer he has referred the case to the Authority with his recommendation and with all the documents mentioned in the rule [Rule 5 (1) (iv)].

16. | When the accused has desired to be heard in person, the authorized officer has duly heard him in person before deciding to impose a minor penalty or make recommendations to the authority for a major penalty. [Rule 6 (2)].

17. — In case the authorized officer in respect of civil servants holding posts in basic pay scales 17 and above decides to forward a disciplinary case to the President, where he is the authority, he should invariably submit his proposal to the Establishment Division in the form of a "summary for the President" marked to the "COS to the President through Establishment Secretary" alongwith complete CR dossier. The summary should also contain the following information:-

(i) date of the birth of the accused;

(ii) date of his entry into service; and

(ii)

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the length of qualifying service for pension as on the date on which summary is forwarded.

Inquiry Officer/Committee.- To ensure that:-

6.

The procedure laid down in Rule 6(3) to (6) is strictly adhered to during the inquiry proceedings.

The inquiry proceedings being of judicial nature in terms of rule 7, the Inquiry Officer has recorded the statement of witnesses on oath. [Rule 7 (a)].

The accused officer is allowed to cross-examine the witnesses produced against him during' the proceedings. [Rule 6 (3)].

The accused officer is afforded reasonable opportunity to produce his defence. [Rule 6 (3)].

The case is heard from day to day and no adjournment is given except for reasons to be recorded in writing which should be reported to the authorized officer. No. adjournment should exceed a week. [Rule 6 (4)].

The findings are recorded after due analysis and appreciation of evidence on record.

Approval for placing a Government Servant under Suspension

116 SI. No. 105

A detail check-list stands circulated to all the Ministries/Divisions vide Establishment Secretary's D.O. letter No. 3/1/85-D.2, dated 26-3-1985 (SI.No.104) which is required to be strictly followed while taking action under the Government Servants (Efficiency and Discipline) Rules, 1973. This check-list has been carefully prepared and provides detailed guidance to the concerned authorities regarding the various stages/aspects of the E&D proceedings, including preparation of charge-sheet, statement of allegations, etc, to avoid what may otherwise lead to such proceedings being declared totally or partially irregular at a later stage by the competent authority/forum.

2. Despite these detailed instructions, however, instances are not lacking where due to serious lapses on the part of the concerned authorities, the accused civil servants have escaped punishment or where such proceedings had to be re-initiated. All this is avoidable if the detailed instructions on the subject are strictly followed.

3. One of the major failures which has been noted is in respect of suspension of the defaulting civil servants. Not infrequently, references seeking approval of the competent authority for placing a civil servant under suspension or for extension in the period of his suspension are forwarded under the signatures of some one other than the "Authorised Officer". Since the Efficiency & Discipline proceedings have a legal connotation and all orders, including suspension, are liable to judicial scrutiny upto the Supreme Court's level, it is vital that all such proposals are signed by the competent authority himself as these powers cannot be delegated to anyone else.

4. The instructions on the subject may be strictly adhered to which would not only safeguard the State's interests but would also

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save the concerned Ministries/Divisions from avoidable loss of time

and energy.

[Authority:- Estt. Division O.M.No.2/52/94-D-|, dated 26-12-1994].

SI. No. 106

The following irregularities have come to the notice of Establishment Division, in dealing with the disciplinary cases submitted by the Ministries and Divisions in respect of the Civil Servants of Basic Pay Scale 17 and above.

(i)

(ii)

Under rule 5 (1) of the Government Servants (Efficiency and Discipline) Rules, 1973. It is the "authorized officer" [designated as such under sub-rule (3) of rule of the said rules] who can obtain the approval of "authority" [designated as such under sub-rule (2) of rule 2 of the said rules] to the suspension of a Civil Servant. The summaries proposing the suspension of the Civil Servants in grades 17-20 are some time received under the signatures of an officer other than ‘authorized Officer’.

Rule 5 (1) (ii) makes it incumbent upon the "authorized officer" to decide that in the light of the facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry Officer/Inquiry Committee or a "Show Cause Notice" should be served on the accused official in terms of sub-rule 5 (1) (ili), it has been noticed that in some cases that either this decision has been taken by a person other than ‘authorized

(ii)

(iv)

(v)

(vi)

officer’ or the "authorized officer" has not shown to have applied his independent judgment.

In case the Authorized Officer has decided to serve a "Show Cause Notice" to the accused official, under rule (iii), Sometimes it is not served under his signatures. Similarly in a large number of cases it has been noticed that the action proposed to be taken against the accused and grounds thereof are not incorporated in the show cause notice. Instead of that a general reference is invited to one of the major penalties, which is not correct.

In case the "Authorized Officer" decides to hold an inquiry through an Inquiry Officer/Inquiry Committee, formal orders regarding the appointment of Inquiry Officer/Inquiry Committee have to be issued by the "Authorized Officer " and not by any other officer.

In terms of rule 6, it is the "Authorized Officer" who has to frame a charge-sheet together with a statement of allegations and then communicate these to the accused Official. /t has been observed in some of the cases that (a) charge sheet has been signed by an officer other than "authorized officer" (b) the charge-sheet is not accompanied by the statement of allegations, elaborating the charge; (c) the statement of allegations has not been authenticated by the "authorized officer".

In terms of rule 6 (4), the Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However,

(vii)

(viii)

every adjournment with reasons shall be reported forthwith to the ‘authorized officer. No adjournment shall be for more than a week. Inspite of clear provisions of the rules, it has been generally noticed that (a) the inquiry proceedings are not conducted by the Inquiry Officers from day to day; (b) the reasons of adjournments, if any, are not regularly reported to the "authorized officer" (c) the period of adjournment go beyond a week. These delays must be avoided, particularly in cases where the accused officer is under suspension.

Under rule 6 (2), the authorized officer has to afford the opportunity of personal hearing to the accused officer, if such opportunity is claimed, before deciding to impose a minor penalty or recommending to the authority the imposition of major penalty, in terms of rule 5 (I) (iv) it has been often observed that this opportunity of personal hearing is confused with the hearing given by the inquiry proceedings. This is not correct.

Under rule 5 (1) (iv) on receipt of the report of the Inquiry Officer or an Inquiry Commission on receipt of the explanation of the accused to the show cause notice, if any, the authorized officer has to determine whether the charge/charges have been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If it is proposed to impose a major penalty he shall forward the case to the authority alongwith the charge-sheet, statement of allegations, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and

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his own recommendations regarding the penalty to be imposed. /t has been generally found that (a) the Inquiry Officer at times besides giving his findings on the charges also makes his recommendation regarding the imposition of a major or minor penalty, (b) the authorized officer does not make use of his independent judgement, (c) the recommendations of the authorized officer to the authority are not accompanied by all the documents mentioned above.

2. The irregularities detailed above are grave in nature and a failure to fully comply with the requirements of the Government Servants (Efficiency and Discipline) Rules impairs and at times vitiates the disciplinary proceedings and the order imposing a penalty on an accused is frequently set-aside by the appellate authority or the Service Tribunal. This not only results in loss of prestige for the Government but also in the loss of unnecessary expenditure which the Government has to incur in defending the appeals of the aggrieved Government Servants in the Courts of Law.

3. It may kindly be ensured that provisions of the Government Servants (Efficiency and Discipline) Rules, 1973 are fully complied with in future by the officers responsible for discharging their duties under the said rules before and during the currency of the disciplinary proceedings against the Civil Servants as Authority, Authorized Officer or Inquiry Officer.

[Authority.- Estt. Division D.O. letter No. 553/80-JS(Rev. & D), dated 22-10-1980].

Supply of copies of Inquiry Reports to

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the accused officials SI. No. 107

A reference is invited to rule 5 and 6 of the Government Servants (Efficiency and Discipline) Rules, 1973 and to state that the Supreme Court of Pakistan in their Judgement in Mir Muhammad Vs. NWFP (All Pakistan Legal Decisions. 1981 SC. 179) observed as follows in respect of corresponding rules 5 and 6 in the NWFP Government Servants (Efficiency and Discipline) Rules, 1973.

"It seems to us, therefore, that on a proper construction of rules 5 and 6 read together it is a statutory requirement that if a formal inquiry is held, then the authorized officer should, after he has tentatively decided upon the action he proposes to recommend to the Authority, give an opportunity to the accused officer to offer his explanation against the proposed action in the light of the findings of the inquiry officer or inquiry committee, before sending his recommendations to the Authority. This would, of course, necessitate that a copy of the inquiry report be furnished to the accused officer at this stage, and he should be apprised of the action proposed against him."

2. In view of the Supreme Court Judgement it is now necessary that in a case where a formal inquiry is held, a copy of the inquiry report is furnished to the accused official to enable him to offer his explanation with regard to adverse finding, if any, recorded against him by that inquiry officer or the Inquiry Committee, as the case may be.

3. It has been decided that after the authorized officer has considered the report and arrived at a provisional conclusion as to the penalty to be imposed, the accused shall be supplied with a copy of

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the inquiry report and asked to show cause within a specified time, which shall not ordinarily exceed '[fourteen days], against the particular penalty to be imposed and any representation submitted by the accused in this behalf shall be taken into consideration before final orders are passed.

4. The procedure described in para 3 may also to followed in those disciplinary cases which are in progress and have not been finally closed. Even in cases where the matter has been pending before the Service Tribunal or the Supreme Court the proceeding may be started de novo in consultation with the Law Division from the stage from which the error could be corrected in the light of the aforesaid Judgement. Cases finally closed need not be reopened.

[Authority.- Estt. Division O.M. No. 4/20/82-RI, dated 20-7-1982].

SI. No. 108

Grant of personal hearing to the accused official- According to instructions contained in the Establishment Division circular

*x The words "one month" have been substituted by the words "fourteen days" vide Estt. Division O.M. No. 3/1/85-D-2 dated 3-7-1985.

O.M.No.4/20/82-R.1, dated 20th July, 1982 in a case where a formal inquiry is held, the authorized officer, on receipt of the inquiry report, shall arrive at a provisionals conclusion as to the penalty to be imposed and shall supply a copy of the inquiry report to the accused and ask him to show cause within a specified time, against the penalty to be imposed. A question has arisen at what stage the accused will be given personal hearing by the authorized officer whether it will be given after the receipt of the inquiry report and before the accused is supplied with the inquiry report and, asked to

show cause against the particular penalty to be imposed or it will be given after this action is completed and the reply of the accused to the Show Cause has been received.

2. The matter has been considered in the Establishment Division in consultation with the Law Division and the view held is that the right stage for giving personal hearing to the accused by the authorized officer if the accused had asked for such opportunity comes after the accused has submitted his reply to the show cause notice and before the authorized officer finally makes up his mind as to the penalty to be imposed, and gives orders to that effect or submits the case to the authority as the case may be.

[Authority.- Estt. Division O.M. No. 4/24/82-RI, dated 8-11-1982].

Disciplinary proceedings against the Government servants belonging to All-Pakistan Unified Grades and those holding the posts of Section Officer

SI. No. 109

Instances have come to the notice of the Establishment Division, where Provincial Governments have taken disciplinary action against officers of the All-Pakistan Unified Grades without consulting this Division. Government servants belonging to the All-Pakistan Unified Grade are under the administrative control of the Establishment Division. It follows that appointments, promotions and matters pertaining to disciplinary cases of such Government servants is the responsibility of the Establishment Division. It is, therefore, reiterated for the information of all concerned that disciplinary cases against Government servants belonging to the All-Pakistan Unified

Grades and also those holding the posts of Section Officers will henceforth be initiated and processed in the Establishment Division on receipt of reports and recommendations of the Ministry or Division or Government to which they are attached at the time of commission of the alleged offence.

2. It is further decided that the cases which have already been initiated but not yet finalized may be sent to the Establishment Division for taking further necessary action.

[Authority.- Estt. Division O.M. No. 9/9/73-Cll, dated 19-3-1974].

SI. No. 110

It has been observed that some time an officer of APUG/OMG, posted in or under a Ministry/Division against whom some disciplinary action is contemplated by that Ministry or Division, is reverted to the Establishment Division without prior consultation. Thereafter the details of charges against such an officer are sent to the Establishment Division for initiation disciplinary action under the Government Servants (Efficiency and Discipline) Rules, 1973.

2. This practice creates many administrative complications. The relevant documents and other evidence are not available in the Establishment Division. The Ministry/Division where _ the documentary/oral evidence is available is always in a better position to draw up disciplinary proceedings and where necessary conduct an inquiry. It was in this context that the Secretary and other officers of a Ministry or Division in which an officer is for the time being serving, were declared as authorized officers vide Establishment Division notification No. S.R.O. 615(1)/79, dated 5-7-1979 (SI. No.79). Similarly, in respect of Federal Civil Servants in pay scale 17 and

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above lent to the provinces, the President had delegated powers to the Governors and Chief Secretaries of the provinces to act as authorities and authorized officers respectively to the extent of placing the lent officers under suspension, sending them on forced leave or initiating disciplinary proceedings without obtaining prior approval of the President vide Establishment Division Notification No. 4/23/83-D. 2, dated 3rd May 1984 amending the second proviso to rule 9(1) of the Government servants (Efficiency and Discipline) Rules, 1973. The reversion to the Establishment Division of officers against whom disciplinary action is contemplated defeats the object outlined in that notification. It also results in considerable delay in finalization of the disciplinary case.

"3. In view of the above position, it is requested that in future a civil servant posted in a province, Ministry, Division or Department against whom some disciplinary case is contemplated or in progress should not be transferred outside the province, Ministry, Division or Department concerned until the disciplinary case is initiated and finalized against him.

[Authority.-Estt. Secretary's d.o. letter No.3/17/84-D.2, dated 26-11-1984].

Government servants to be placed under suspension when really necessary

SI. No. 111

Cases have come to the notice of the Establishment Division in which Government servants have been kept under suspension unduly long, the period in some cases extending over six months thereby subjecting them to unnecessary mental and other hardships.

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‘Note.- The addition to the E&D Rules referred to in para 2 has been omitted vide Estt. Division Notification No. S.R.O. 246(1)/89 dated 16-3-1989.

2. The matter was considered at the Secretaries’ meeting, held on the 7th July, 1949. It has been decided, in the first place, that no Government servant should be placed under "suspension" except when this is really necessary, and that the following factors should guide an officer in deciding whether or not to issue orders of suspension:

(a) There must be a strong prima-facie case against the delinquent;

(b) If the offence is of such a serious nature that dismissal will be the probable punishment, or such that it is in-advisable that the offender should be allowed to continue to perform the duties of his office pending decision on the case, suspension is justifiable;

(c) Unless there is some very strong reason why the offender should not be allowed to continue to work until the case has been decided, suspension should not be resorted to;

(d) No one should be suspended for petty breaches of discipline and for minor departmental offences;

(e) No one should be suspended unless:

(i) he wilfully and obstinately refuses to carry out an order;

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(ii) during the course of an enquiry his retention in his appointment would hamper or frustrate such enquiry;

(iii) | he is in police custody;

(iv) he is charged with an offence of a nature which, if proved against him, would ordinarily result in his dismissal.

Note.- Where documentary and oral evidence has already been collected and the risk of an official tampering with evidence (documentary or oral) no longer exists, the order of Suspension should be cancelled. Where, however, there is still such a risk, he should be transferred. In cases where the police have intervened and the official is under arrest, the order of Suspension must remain in force until the official is released on bail or until sentence has been pronounced.

[Authority.- Estt. Division O.M. No. F. 32/48-Estt. (SE), dated 21-7-1949].

Leaving station by Government Servants under suspension

SI. No. 112

It has been observed that, on being placed under "Suspension" an officer is generally prohibited from leaving the station. This is desirable where it is felt that, unless he is confined to a particular station, he might tamper with the evidence likely to be produced against him, but such prohibition should not be enforced if there is no cause for such apprehension. He should simply be required to inform the authority concerned of his movement.

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[Authority.- Para 3 Estt. Division 0.M. No. F. 32/48-Estt.(SE), dated 21-7-1949].

Bar against use of Government stationery and service postage stamps by accused Government servants in disciplinary proceedings

SI. No. 113

The question whether an accused Government servant is entitled to use Government stationery and service postage stamps in replying to the charges framed against him and in making other correspondence in connection with his defence has recently been examined and it is decided that an accused Government servant is not entitled to use Government stationery and service postage stamps in replying to the charges or making other correspondence in connection with his defence. Cost of stationery and postage stamps required by him in connection with his defence has in all cases to be borne by the accused Government servant himself.

[Authority.- Estt. Division O.M. No. 2/29/67-D,|., dated 8-1-1968]. Payments and amenities admissible to Government Servants under Suspension

SI. No. 114

F.R.53(b) In the case of a Government servant under

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suspension, other than that specified in clause (a), he shall be entitled to full amount of his salary and all other benefits and facilities provided to him under the contract of service, during the period of his suspension.

[Authority.- Finance Division Notification No.F.1(6)R.4/93(1), dated 21-9-1994].

Filling up of suspension vacancies

SI. No, 115

The question whether a vacancy caused by suspension of a Government servant can be filled up like other ordinary vacancies has been recently examined in consultation with the Ministry of Finance and the Law Division. It has been decided that though a vacancy caused by suspension of an officer cannot be filled up substantively, it can be filled up on an officiating basis, and that no supernumerary post need be created in such case.

2. This supersedes Establishment Division's O.M.No.2/14/67-C.Ill, dated the 19th September, 1968. [Authority.- Estt. Division O.M. No. 6/2/71-D.1, dated 20-9-1971]. Termination of services of temporary Government Servants under suspension

SI. No. 116

Attention is invited to Establishment Division's O.M. Nos.

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21/11/61-D.1, dated 22 December, 1962 (Annex-Il) and 18th April, 1963 (Annex-l) on the subject of "Speedy Disposal of Disciplinary Cases-Policy Regarding Government Servants undergoing Criminal Prosecution before Departmental Action", it is stated that the advice of the Justice Division was sought whether it was possible to terminate the services of an employee, who was arrested on a criminal charge of murder and had been undergoing trial for a long time, without any notice and without assigning any reasons, in accordance with the terms and conditions of his service as contained in his letter of appointment. The position as per advice of the Justice Division, is as follows:

2. A Civil Servant is not necessarily in temporary employment merely because of a statement in the order of appointment that his appointment will be purely temporary and liable to termination at any time without any notice or reasons being assigned. No civil servant is a temporary employee as long as the employment is for an indefinite period or against a post which continues to exist for an indefinite period. It is extremely difficult to attribute to the legislature an intention to clothe the authorities concerned with arbitrary power of terminating the service of a civil servant in their discretion without assigning any reason. The courts have always been reluctant to interpret these provisions in a manner as would justify the externment of an employee without any justification.

3. Further after the enactment of Civil Servants Act, 1973, the services of a civil Servant can either be terminated under Section 11 of the Act or under Government Servants (Efficiency & Discipline) Rules, 1973. It is not possible to spell out any power to terminate the services of an employee without notice and without assigning any reason from the provisions of sub section (3) of Section 11 of Civil Servants Act, 1973, especially in the presence of the provisions of sub-section (1) thereof regarding termination of service during the initial or extended period of probation. If an employee has passed

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through the period of probation to the satisfaction of the competent authority, he is no longer a temporary employee with the meanings of sub section (3) if his employment is for an indefinite period or against a post which continues to exist for an indefinite period.

4. In the light of the above advice of the Justice Division services of an employee can no more be terminated without notice and with assigning reason [on the basis of the contents of Establishment Division's O.M. dated 22nd December 1962 and 18th April 1963 referred to above].

[Authority.- Estt. Division O.M.No.31/64/86-R3 dated 20-4-1987].

ANNEXURE |

Copy of Establishment Division O.M. No. 12/11/61-D-I date the 18th April, 1963.

Reference.- Establishment Division O.M. No. 12/11/61-D.|, dated the 22nd December, 1962 (Annexure II)

A question has arisen as to whether it was necessary to recall a suspended temporary Government servant to duty before serving him with the requisite notice of discharge on the ground that his services were no longer required. The point has been further examined in this Division in consultation with Law Division and it has been held that a suspended temporary Government servant can be served with service termination notice in accordance with the terms of the appointment during the period of suspension and discharged after the notice period without requiring him to resume duty.

2. Utmost precaution should, however, be taken to see that no reason is assigned for the termination except saying that his services are no longer required by the Government.

ANNEXURE Il

Copy of Establishment Division O.M. No.12/11/61-D.1, dated 22nd December, 1962.

Instances have come to the notice of the Government that there are still a number of cases pending in courts against officials for unusually long periods without departmental proceedings having been ever resorted to. It has also been found that in some cases the accused officials have, while continuing under suspension, been absconding for long and sometimes for years, presumably with intent to frustrate or delay the court proceedings. With a view to meeting such situations it has been decided that whenever such an instance comes to the notice of the Government, the accused official whether permanent or temporary, should be asked by his last known address to report to his official superior/court. If he does not comply with the order, Government should take up the formalities of his dismissal from service on charge of misconduct under the Government Servants (Efficiency and Discipline) Rules. [If he turns up and is a temporary hand, his services should be terminated after serving him with the requisite notice or paying him salary in lieu thereof, without assigning any reasons for the action].

‘Note.- This applies to temporary employments made on or after 8-6-1962.

2. There may still be cases of temporary Government servants undergoing long-drawn court proceedings even if they have not absconded. If in any individual case of this nature, the appointing authority considers that irrespective of the outcome of the court proceeding, the accused official should not be allowed to continue any longer on the pay roll of the Government such authority may recall the official to duty and terminate his services after serving him with the requisite notice or paying his salary in lieu thereof without assigning any reasons for the action. [The course of action discussed in this paragraph should be resorted to unless, of course, there is any direction of the court to the contrary in any particular case].

3. It is requested that all Ministries/Divisions, etc., may kindly check up the position of their employees involved in court proceedings and deal with the individual cases in the light of the suggestions contained in preceding paragraphs.

Bar against mentioning of unfinalised departmental proceedings in Confidential Reports

SI. No. 117

It has been noticed that in some annual confidential reports of officers received from various Ministries that a reference is made over to departmental proceedings which are still in progress against the officers concerned.

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2. The Establishment Division feel that until and unless the result of such proceedings has been known and final orders, awarding punishment if any, have been passed by the competent authority, it would not be correct to make any such reference as may have the effect of creating doubts about the conduct and character of the officers concerned. It can hardly be controverted that such a reference, although factually correct if inadvertently made cannot fail to damage the officer's record even if in the long run he is completely exonerated.

3. In the circumstances it is requested that, in the case of an officer against whom departmental proceedings are in progress, no mention whatsoever should be made about it in their annual confidential reports. Only when such proceedings have been finalized, and the punishment if any has been awarded, should a mention about it be made in his confidential report. In such a case a complete copy of the final order may be placed, as is usually done, on his character roll.

[Authority.- Estt. Secretary's D.O. letter No.9(1)/58-S.E.III, dated 8-5-1958].

Promotion of an officer to a higher post during pendency of the disciplinary proceedings

SI. No. 118

References are being received in the Establishment Division enquiring whether there is any bar to an officer being considered for promotion to a higher post during the pendency of a departmental proceedings against him. A similar question was examined in the past on a reference from the Home Affairs Division and it was decided that there is no bar to an officer being considered for promotion to a higher post during the pendency of investigation regarding alleged corruption

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etc. and all concerned were advised accordingly under this Division O.M. No. 2/10/62-DlI, dated 13th February, 1962 (Annexure). This question has been further examined and it has been decided that the instructions contained in the above O.M. should apply mutatis mutandis to all types of disciplinary cases. In the cases of departmental proceedings, a copy each of the charge-sheet and the statement of allegations should be put before the Central Selection Board or the Departmental Promotion Committee, as the case may be.

[Authority.-Estt. Division O.M.No.2/20/67-DI, dated 13-11-1967].

ANNEXURE

Copy of Establishment Division O.M. No. 2/10/62-D |., dated the 13th February, 1962.

Cases of corruption against Government servants are normally investigated by the Special Police Establishment and are registered after preliminary inquiries only when a prima facie case appears to have been made out. A copy of the First Information Report is sent to the Ministry or Department in which the Government servant concerned is serving, by way of intimation of such registration. A question has arisen whether a Government servant against whom a case of corruption has been registered by the Police and is under investigation should be promoted to a higher rank during the pendency of such investigation, if he is otherwise considered suitable and his turn or chance for promotion has come.

2. After a careful consideration of the matter, it has been decided with the concurrence of the Ministry of Home Affairs that in cases where a Government servant against whom a case is under

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investigation by the S.P.E. is proposed to be promoted, a copy of the F.I.R. should invariably be put up to the Selection Board or the Departmental Promotion Committee as the case may be. It will then be for the Board or the Committee to take cognizance of the report and ask for a progress report, postpone consideration of the case or ignore it.

SI. No. 119

A reference is invited to the Establishment Division's O.M. No. 9/I/58-SE Ill, dated the 8th May, 1958, according to which no mention should be made in the confidential report of a government servant, of the departmental proceedings which may be in progress against him unless such proceedings have been finalized, and the punishment, if any, has been awarded. There is no bar to a government servant being considered for promotion during the pendency of departmental proceedings against him. However, in such cases, a copy of each of the charge sheet and the statement of allegations should be placed before the Central Selection Board or the Departmental Promotion Committee as the case may be, vide Establishment Division's O.M. No. 2/20/67-D.|. dated the 13th November, 1967.

2. A case has recently been brought to the notice of the Establishment Division where copies of the charge sheet and the statement of allegations were not put up to the Departmental Promotion Committee and a Government servant, against whom departmental proceedings were pending, was promoted, although as a result of the disciplinary proceedings, he was awarded a minor punishment. Thus, the Government instructions referred to in the last sentence of para 1 above were not observed.

3. It is the responsibility of the departmental representatives who attend the meetings of the Departmental Promotion

Committee/Central Selection Board to apprise the Committee/Board whether or not any departmental proceedings are pending against the Government servants whose cases are being considered by the Committee/Board. A serious view should be taken if the departmental representatives do not give this information to the Committee/Board and if later comes to notice that a Government servant was promoted notwithstanding the fact that disciplinary proceedings were pending against him. The Ministries/Divisions are requested to strongly impress upon the officers who serve as members of Departmental Promotion Committees or who attend meetings of the Central Selection Board as departmental representatives, to scrupulously observe these instructions.

[Authority.- Estt. Division O.M. No.6/4/74-A II, dated 6-7-1974].

T. A. admissible to witnesses an accused Government servant summoned by an Inquiry Officer

SI.No. 120

A Government servant summoned by an Inquiry Officer should be allowed TA as admissible to him under S. R. 154 et seq and he should draw it on a regular TA bill from his own Department on the strength of the Attendance Certificate furnished by the Inquiry Officer and this should be debited against the office at whose instance the inquiry was being conducted, by book adjustment. In the case of a

witness who is not a Government servant, travelling expenses should be determined by the Inquiry Officer with reference to the status of the witness and should be paid on the basis of the orders passed by the Inquiry Officer, by the Department at whose instance the inquiry was being conducted. The TA to be paid to a non-Government servants should, however, in no case exceed the maximum TA admissible to a Government servant of the highest grade. The provisions of S.R. 190 et seq should also be kept in view in such cases.

[Authority. - Estt. Division O.M. No. 2/41/62-D.1, dated 28-2-1963].

SI. No. 121

In continuation of para 2 of the Establishment Division O. M. No. 2/41/62 D. |, dated the 28th February, 1963, a further question has since arisen as to whether the aforesaid provision of TA should equally apply to the defence witness summoned by the Inquiry Officer in a departmental proceedings. The point has been examined in this Division in consultation with the Ministry of Finance. The position of the defence witnesses regarding summoning them and paying them TA is as explained hereunder.

2. It is for the Inquiry Officer to consider if any particular witness cited by the accused as a defence witness is likely to be as essential witness for the purpose of defence or in other words, for the determination of truth. If the Inquiry Officer agrees that the examination of the witness will be essential he may summon him and as soon as summons him he will take upon himself the obligation to allow the witness reasonable TA. If the witness is an official, he is to draw the TA from his parent Department on the strength of the attendance certificate furnished by the Inquiry Officer, the amount being debited by book adjustment against the office at whose instance the inquiry was conducted.

3. If, however, the Inquiry Officer is not satisfied whether the examination of a particular witness will be essential for the determination of truth he may at his discretion refuse to Summon such a witness. He may, however, agree to summon him on condition that the accused will bear the travelling expenses of the witness and he may accordingly require the accused to deposit with him the anticipated amount of the TA of the witness, in advance, so that the witness could be paid therefrom. In that case the attendance certificate to be furnished to the witness by the Inquiry Officer should contain the endorsement that the witness has been paid his travelling expenses. This will debar the witness from claiming the TA again from the Government.

[Authority.- Estt. Division O.M. No. 2/41/62-Dl, dated 13-4-1963]. SI. No. 122

A question has since arisen as to whether a Government servant under suspension who was required to perform official journey as a witness or as an accused, would be entitled to TA. The question has been examined in this Division in consultation with the Ministry of Finance and it has been held that such a Government servant would be entitled to TA in such cases and his grade and salary for that purpose would be taken as if he was not under suspension.

[Authority. - Estt. Division O.M. No. 2/41/62-DlI, dated 19-7-1963].

Framing of an additional charge during currency of the disciplinary

proceedings SI. No. 123

Instances have come to the notice of the Establishment Division that in cases where the main charge of "corruption" or "subversion" was not proved, but there was sufficient evidence to establish the charge of "misconduct the accused could not be punished because he had not been charged with misconduct", although the offences of "corruption" and "subversion" are the graver forms of "misconduct". To meet such exigencies it has been decided in consultation with the Law Division that in all suitable cases where an accused is charged with "corruption" or "subversion" and additional charge of "misconduct" may be added to the main charge.

[Authority.- Estt. Division O.M. No. 2/5/66-D.1, dated 11-6-1966].

Scope of departmental proceedings under the Efficiency & Discipline Rules in cases referred to the Courts

SI. No. 124 References are very often received in the Establishment Division on the above subject in various forms. The questions generally posed by the Ministries/Divisions are as under:- (i) Whether departmental proceedings can be started against a Government servant who is being prosecuted

in a criminal court:

(ii) Whether departmental inquiry can be conducted against

(ii)

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a Government servant on the same charges after his acquittal by a court;

Whether any departmental action lies against a Government servant who cannot be prosecuted in a court of law due to technical grounds.

2. The matter has been examined in consultation with Law Division. Each case has to be decided on its merits and in the light of its facts and circumstances. However some guidelines can be laid down in the matter, and the following general guidelines are indicated for deciding such matters :-

(i)

(ii)

There is no legal bar to the holding of a departmental inquiry against a Government servant who is being prosecuted in a criminal court. It may, however, be pointed out that where the holding of departmental inquiry side by side with the criminal proceedings may have the effect of impeding the course of justice or of prejudicing the trial, the inquiry should be deferred till the termination of criminal proceedings.

An acquittal from a criminal case may be on technical grounds or on the ground that all the ingredients of the offence are not proved by the evidence produced in court. But in departmental proceedings even one of the ingredients, if proved, may be sufficient to reach a conclusion that the accused has misconducted himself or has acted in a grossly negligent way or has shown inefficiency in the discharge of his official duties. As an example, to illustrate this point a recent case may be cited. An officer employed in the Registry of the Supreme Court was charged and tried for embezzlement. He was, however, acquitted by the High

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Court in criminal appeal No. 676 of 1965. Subsequently he was dismissed on the same allegations which were found proved in a departmental inquiry initiated by the Supreme Court. Thus departmental proceedings on the same facts may be started even if the person concerned has been acquitted in criminal proceedings.

(ili) In some cases a Government servant cannot be criminally prosecuted on technical grounds. But this does not bar the Government from inquiring into the truth of a charge against a Government servant by means of a departmental inquiry. Therefore, there is no bar to proceed against a Government servant departmentally, when he _ cannot be criminally prosecuted in a court of law for some reason or other.

[Authority. - Estt. Division O.M. No. 4/5/69-D.1, dated 17-6-1969].

Speedy disposal of disciplinary and suspension cases

SI. No. 125

It has been decided that the responsibility of seeing that a disciplinary case is disposed of expeditiously should rest with the Secretary in each Ministry. Fortnightly statements showing the stage in respect of each case of persons placed under suspension should be submitted by each Ministry to the Secretary to enable him to watch the progress of such cases. Quarterly statements, showing the particulars of persons under suspension and the stage of each case, should also be forwarded to the Establishment Division for the information of the Government. These reports should be supplied in

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the beginning of January, April, June and September each year.

[Authority.- Estt. Division O.M. No. F.32/48-Ests (SE), dated 21-7-1949].

SI. No.126

Inspite of the instructions issued vide Establishment Division's O.M.No.F.32/48-Estt-(SE), dated 21-7-1949 (SI.No.111), instances have been brought to the notice of Government where disciplinary cases have been pending for as long as two years or even more. The question of speedy disposal of disciplinary cases has, therefore, been considered by Government again and it has been decided that the following instructions should' be strictly observed by _ the Ministries/Divisions.

2. As stated in paragraph 2 of the Establishment Division Office Memorandum dated the 21st July, 1949 quoted above, no Government servant should be placed under suspension except when it is really necessary. When, after due consideration and care it is decided to suspend an officer, it should be the primary responsibility of the Head of the Ministry/Division/Department to see that the case against the Government servant is disposed of as expeditiously as possible. In order to enable the Head of the Ministry/Division to watch the progress of each case where a Government servant has been suspended and issue necessary directions for its speedy disposal, the fortnightly statements as prescribed in paragraph 2 of the Office Memorandum dated the 21st July, 1949, referred to above should invariably be submitted to him by the office concerned.

3. Disciplinary proceedings against Government servants placed under suspension should be finalized within two months of the date of suspension. If in any case it is not possible to finalize (within the time limit of two months) departmental proceedings against a Government servant under suspension, the matter should be reported

to the Establishment Secretary giving the following details :- (i) Particulars of the case; (ii) Reasons for delay; and

(iii) | The period within which the case is expected to be finalized. The Establishment Secretary after scrutinising the report will offer such advice to the Ministry/Division/Department as he may _ consider necessary with regard to the speedy disposal of the case. If, the Establishment Secretary is satisfied in any case that the suspension of the Government servant concerned is no longer justified or necessary, he may recommend to the competent authority to cancel the order of suspension. In cases relating to Government Servants other than Grade 17 and above orders of suspension may also be cancelled by the Head of the Ministry or other competent authority if he is satisfied at any time, before the finalization of the disciplinary proceedings against him that the suspension of the Government servant concerned is no longer justified or necessary.

4. The quarterly statements as prescribed under Establishment Division Office Memorandum dated the 21st July, 1949 showing particulars of Government servants under suspension and the stage of such case should continue to be forwarded to the Establishment Division.

[Authority.- Estt. Division O.M. No. 3/53/58-SE II, dated 17-1-1959].

SI. No. 127

Reference.- Establishment Division Office Memorandum No. 3/53/58-SE Il, dated the 17th January, 1959.

A question has arisen whether cases of those Government servants who are facing trial in the Courts of Law on Criminal charges, should also be included in the statement mentioned in paragraph 2 of the said Memorandum. The matter has been carefully considered and it has been decided that cases of those Government servants, who are criminally involved, should also be included in the prescribed statements. This will provide an opportunity to Government to watch the progress of such cases so that in cases of extreme hardship, or where circumstances permit, Government may consider withdrawing suspension order, even before the case is decided in the Court.

[Authority.- Estt. Division O.M. No. 3/53/58-SE II, dated 26-5-1959].

SI. No. 128

It has come to the notice of the President that a large number of cases of disciplinary nature are pending final disposal since long and in some cases for over years. This is obviously contrary to the dictates of justice, and inevitably, results in undue hardship to the affected persons, particularly those in the lower income groups. Besides these delays, invariably subject the administration to unnecessary criticisms.

2. It is, therefore, advised that each Ministry/Division/ Department and semi-autonomous bodies under the Federal Government should maintain suitable records of all cases of Gazetted

and non Gazetted staff wherein investigations/inquiries have been instituted and disciplinary action is proposed to be initiated or has been initiated showing the reasons for initiation of such action. Periodic progress in the disposal of each case should be recorded therein to facilitate authorities concerned to conduct quick scrutiny for assessing delays, their causes and to pursue their expeditious disposal.

3. All Ministries/Divisions/Departments and semi- autonomous bodies are requested to prepare an up-to date list of all disciplinary cases pending with them in the enclosed proforma (Annexure) and forward it, in duplicate, to the Establishment Division.

[Authority.- Estt. Division O.M. No. 1/3/70-D. |, dated 7-5-1970].

Name and particulars of the Official

concerned

ANNEXURE

STATEMENT SHOWING PARTICULARS OF DISCIPLINARY CASES PENDING OR PROPOSED TO BE INITIATED IN THE MINISTRIES/DIVISIONS/DEPARTMENTS/SEMI-AUTONOMOUS BODIES

Name of Division/Department etc.

Date of Whether Reasons in brief Date of Whether the Present Reasons receipt of investigations/ for instituting initiating person position of for delay complaint/ inquiries have or proposing departmental concerned is the case allegation etc been instituted disciplinary action under or action suspension disciplinary if so from what

action date

is proposed to

be

initiated

The period by which the case is expected to

be finalised

Remarks

SI. No. 129

In a case of disciplinary proceedings against an officer the President has observed that the progress of disciplinary cases is very slow and has desired that such cases should be disposed of expeditiously. All Ministries and Divisions are requested to make a note of the President's observation and ensure that all disciplinary cases are disposed of as quickly as possible.

[Authority.- Estt. Division O.M. No. 1/21/65-C.1, dated 15-7-1967]. SI. No. 130

Delay in process of Disciplinary Cases. It has been observed that inquiry proceedings against Civil Servants under E&D Rules tend to be unduly protracted for various avoidable reasons, causing hardship to the affected officers, on one hand, and defeating the purpose of speedy disposal of cases, on the other.

2. It has, therefore, been decided that in all disciplinary cases, in addition to strict observance of the provisions of Rule 6 of Efficiency & Discipline Rules, 1973 and the instructions already issued with my D.O. No. 553/80-JS (Rev. & D), dated 22nd October, 1980, the following measures should be strictly observed:-

(a) The Inquiry Officer be carefully selected for his competence and capability to hold the inquiry.

(b) A time-limit should be prescribed for completion of the inquiry.

(c) Until the inquiry is completed, the Inquiry Officer, the accused as well as the witnesses concerned should not be permitted to proceed on leave, training course or on transfer in or outside Pakistan.

(d) A check-sheet, recording the day to day progress, should be maintained by the Inquiry Officer.

(e) The inquiry proceedings once started should be held without interruption, as far as possible, on day to day basis.

(f) On receipt of the inquiry, the case should be processed expeditiously by the Ministry concerned.

(g) It should be impressed upon the Inquiry Officer that the quality of work produced by him will reflect on his efficiency, which will be recorded in his ACR.

(h) The initiating officer should record his assessment of the Inquiry Officer's performance in the ACR.

[Authority.- Estt. Secretary's d.o. letter No. 5/1/81-C.II (A), dated 6-6-1981].

Quick disposal of disciplinary proceedings pending against Government Servants who are about to superannuate

SI. No. 131

It has come to the notice of government that inquiry proceedings against civil servants under the Government Servants (Efficiency and Discipline) Rules, 1973 tend to be unduly protracted for various avoidable reasons causing hardships to the affected government servants on the one hand and defeating the purpose of speedy disposal of cases in others. This is obviously against dictates of justice.

2. The disposal of disciplinary proceeding assumes vital importance especially in cases against government servants who are about to attain the age of superannuation. It goes without saying that delay in disposal of such cases not only causes hardships to the affected persons but also puts the administration to unnecessary criticism.

3. It is, therefore, requested that disciplinary proceedings against government servants nearing the age of Superannuation in future should be disposed of before they superannuate. All the agencies working under the administrative control of the Ministry concerned should be advised accordingly.

[Authority.-Estt. Division O.M. No.12/2/88-R.3, dated 3-10-1988]. SI. No. 132

Reference Estt. Division's O.M.No.12/2/88-R.3, dated the 3rd October, 1988 (Serial No.131) on the subject mentioned above, wherein all the Ministries/Divisions were requested that disciplinary proceedings against Government Servant nearing the age of superannuation should in future be disposed of before they superannuate. Despite this, instances have come to the notice of this Division wherein the disciplinary cases have been delayed to such an extent that these stood abated due to non-finalisation thereof before the age of superannuation of the accused civil servants, which is not a happy state of affairs.

2. In order to guard against recurrence of such instances, it is once again requested that the instructions (printed at SI. No. 131) may please be brought to the notice of all concerned for strict compliance to ensure that the State's interests are fully protected and the civil servants really guilty of misdemeanour of any sort do not go unpunished due to the inefficiency and/or connivance of the departmental personnel in finalising the Efficiency and Discipline cases before the accused's superannuation.

[Authority:- Estt. Division O.M.No.6/14/94-D.1, dated 19-12-1994].

Censure, reprimand and warning

SI. No. 133

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From references received, it appears that some authorities are not clear regarding the procedure to be followed where punishment of Censure is awarded and regarding the distinction between “Censure' and ‘Warning’.

2. Censure is one of the punishments mentioned in rule 4 (1) (a) of the Efficiency and Discipline Rules.

3. There is essentially no difference between “Censure and reprimand’, but as the official term is Censure, it seems preferable that normally this term should be used.

4 [Not reproduced]

5. According to rule 3 of the Civil Servants (Appeal) Rules, 1977 every Civil Servant is entitled to appeal to the appellate authority from an order of Censure passed by an authorized officer or an authority provided that, where the penalty is imposed by an order of the President, the Civil Servant has no right to appeal but he can apply for review of the order.

6. A warning, whether oral or written and whether given ad hoc or in annual confidential report, is not a censure and does not constitute a punishment, provided that it is genuinely a warning and not a censure distinguished as such.

[Authority. - Estt. Division O.M. No. 3/1/52-SE. Il, dated 12-4-1952 with necessary adaptations in the light of prevailing circumstances].

Indulging in critical remarks against Ministers

SI. No. 134

All Government servants should be warned that they should not indulge in critical remarks against their own Ministers or other Ministers. This is against discipline or good conduct, and should be dealt with as such.

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[Authority. - Estt. Secretary's D.O.letter No.4/20/61-D.II, dated 23-9-1961].

Participation of Government Servants in Drinking Parties

SI. No. 135

It has been reported that a number of persons organize drinking and other parties in Rawalpindi/Islamabad, which are attended by Civil as well as Military Officers, and where views on Government policies are expressed without reservations.

2. While drinking is a manifest violation of the law of the country and the sanctity of Islam, criticism of Government by its functionaries, particularly at such gatherings, is a serious offence.

3. Under the Prohibition (Enforcement of Hadd) Order, 1979, alcoholic drinks are available to only non-Muslim foreigners and non- Muslim Citizens of Pakistan. As such all Government servants are apt to strictly follow the aforesaid Order and desist from such vices.

A. It is requested that severe disciplinary action may be taken against the defaulters, irrespective of their status; and they may also be debarred from employment under the Government, semi-Government organizations, and autonomous bodies.

5. These instructions may kindly be brought to the notice of all officers/employees, serving in your Ministry, including those in attached/subordinate offices as well as autonomous _bodies/ corporations etc. under your Ministry.

[Authority. - Estt. Secretary's D.O. letter No.5/1/79 DIV, dated 17-9-1979].

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Officers’ duty to watch conduct of their subordinates

SI. No. 136

It has been decided that all officers should be informed that it is their duty to watch the conduct of their subordinates and to ensure that corruption does not spread among them. Failures to do so would be reflection on their own efficiency.

[Authority. - Estt. Division O.M.No. 3/35/59-SE.II, dated 4-3-1959].

SI. No. 137

Measures undertaken to curb corruption in the Police have shown appreciable results, and its personnel deserve to be commended, and encouraged to continue with their efforts in that direction.

2. Meanwhile, public complaints of corruption in several Government departments persist, and effective steps are required to root it out. It is the bounden duty of every Head of Department to exercise utmost vigilance, analyse the cause, and trace the source where incidence of corruption occurs.

3. In future, a Head of Department will bear the responsibility, and be answerable for proven charges of corruption within the area of his administrative Jurisdiction. It is self-evident that corruption prevails in a department if its Head is:

(a) himself corrupt, or

(b) wilfully bind to corruption taking place, or

(c) so inefficient that he is unable to control it.

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4. Whichever of these three reasons may be applicable, sucha Head of Department cannot be retained in service to the detriment of Government's objective of serving the people and promoting their weal and welfare.

[Authority.- President of Pakistan's note No. 57/I/CMLA, dated 25-9-1978].

Avoidance of favouritism or nepotism in making ad hoc appointments

SI. No. 138

Considerable time often elapses before candidates recommended by the Federal Public Service Commission become available for appointment. Consequently, ad hoc appointments are made pending selection of suitable candidates by the Commission. In this connection it has been brought to the notice of Government that in' making such ad hoc anointments, officers in certain Ministries/Departments indulged in favouritism and nepotism. Government view this with concern and it has been decided that suitable disciplinary action should be taken against the delinquent officers.

2. Acts of favouritism or nepotism being prejudicial to good order or service discipline constitute misconduct as defined in the Government Servants (Efficiency and Discipline) Rules. It is, therefore, requested that if, instances of favouritism or nepotism or irregularity in making ad hoc appointments are brought to notice, the officers responsible should be proceeded against under those Rules. Suitable instructions may also kindly be issued to all officials concerned in the Ministry including Attached Departments and Sub- ordinate Offices.

[Authority.- Estt. Division D.O. letter No.2/2/62-D.1, dated 15-2-1962].

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Loss of Security Passes to be treated as 'misconduct'

SI. No. 139

As provided in para 97 of the [Security Instructions] (1973 Edition) prepared by the Cabinet Division and this Division's Circular letter No. 14/17/71-Cord., dated the 18th November, 1971 a Government Servant who has lost the Security Pass issued to him is required :-

(i) to make report to the Police Station and to the Head of his Department about the loss of the Pass; and

(ii) to deposit Rs. 5 in the State Bank of Pakistan

before a new security pass is issued to him. The amount of Rs.5 covers only the cost of the pass and actually no penalty has been imposed on him. It has been noticed that the Government Servants generally do not take sufficient care to keep the passes in safe custody with the result that loss of security passes is on the increase. As the pass lost can be misused by any unauthorized person which involve serious security risk, it has been decided in consultation with the authorities concerned that the loss of Security Pass would be treated as "misconduct" in terms of Government Servants (Efficiency and Discipline) Rules, 1973.

2. However before any action is initiated against a Government Servant who has lost his Security Pass, it is necessary to determine in each case as to whether the security pass in question was lost due to negligence. If the Government Servant concerned is able to give a satisfactory account of the circumstances under which the security pass was lost by him, it may not be proper to proceed against him. If after preliminary inquiry, it is found that the security pass was lost due to the negligence of the Government servant concerned or that the lost security pass had fallen into unauthorized hands as a result of any wilful omission or commission on his part, only then,

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it would be appropriate to take disciplinary action against him under the Government Servant (E&D) Rules 1973.

3. All Ministries and Divisions are, therefore, requested that in future while referring the case of issue of a Security Pass to a person who has already lost a Security Pass, it may also please be clearly indicated whether disciplinary action for if any has been taken/is being taken against the official concerned.

[Authority.- Ministry of Interior O.M. No. 19/2/75-Security dated 31-3-1975 as amended vide O.M. No.19/9/75- Security dated August, 1982].

Use of intemperate and inappropriate language in representations and petitions of Government servants

SI. No. 140

At time representations of Government servants contain wild allegations against superior officers. While Government servants would be free to submit their representations in accordance with the prescribed procedure whenever they feel aggrieved, they should be informed that the use of such language constitutes misconduct. You may, therefore, impress upon all Government servants working under your administrative control, the need and propriety of refraining from the use of such language and to scrupulously observe the norms of decency and decorum. Failure to do so on their part will not only result in no action being taken on requests contained in such representations/petitions but will also render them liable to disciplinary action for misconduct. Serious action will also be taken when wild allegations are made against senior officers which on investigations are found to be without any basis.

[Authority.- Estt. Division D.O.letter No.8/13/71-F.II, dated 28-5-1974].

Grant of Pension Gratuity etc. to a Government servant compulsorily retired from service under the Government servants (Efficiency

and Discipline) Rules, 1973

SI. No. 141

A doubt has been felt in some Ministries/Divisions as to whether a Government Servant compulsorily retired under the Government Servants (Efficiency and Discipline) Rules, 1973, is eligible for grant of pension/gratuity.

2. In this connection it is clarified that sub-section (1) of section 19 of the Civil Servants Act, 1973 provides that on retirement from service, a civil Servant shall be entitled to receive such pension or gratuity or both as may be prescribed. It is laid down in sub-section (3) of section 19 of the aforementioned Act that pension is not admissible in the case of Civil Servants who have been removed or dismissed for reasons of discipline. AS such a Government servant compulsorily retired under the Government Servants (Efficiency and Discipline) Rules, 1973, is entitled to pension or gratuity or both as admissible under normal rules in terms of sub-section (1) of section 19.

3. According to the Auditor General of Pakistan's Letter No. 71/A/46-73, dated the ist March, 1975 (Annexure) the term "retirement" used in section 19(l) of the Civil Servants Act, includes "compulsory retirement" under Government Servants (Efficiency and Discipline) Rules, 1973.

4. It may be recalled that all persons who were screened out in 1959, or were prematurely retired under MLR-58 (1969) or MLR-

114 (in March, 1972), or who were compulsorily retired under Government Servants (Efficiency and Discipline) Rules, 1973, in October, 1976, were allowed normal pensionary benefits, and the production of certificate of thoroughly satisfactory service in terms of Article 470-CSR was waived. The production of certificate was also waived in the cases of those who were retired under section 13 of the Civil Servants Act, 1973.

5. The position under rules be brought to the notice of all Departments, offices and autonomous’ bodies under the administrative control of the Ministries/Divisions so that civil servants and employees of the autonomous bodies compulsorily retired under Government Servants (Efficiency and Discipline) Rules, 1973 and under similar rules framed by autonomous bodies are not deprived of their retirement benefits.

6. In all cases of compulsory retirements, the requirement of certificate of thoroughly satisfactory service (required in terms of Article 470-CSR, and section (7) of the pension papers, or in corresponding provisions in the rules of autonomous bodies should be deemed to have been waived.

[Authority.-Estt. Division O.M. No. 4/16/80-D.1, dated 25-9-1980].

ANNEXURE

Extract from Auditor-General of Pakistan Letter No. 71-A/46-73, dated 1st March, 1975.

The term retirement used in section 19(l) of the Civil Servants Act, 1973 includes "Compulsory Retirement" under the Government Servants (Efficiency and Discipline) Rules, 1973.

Grant of leave to Government Servants compulsorily retired from service under the Government Servants (Efficiency & Discipline) Rules

SI. No. 142

A reference is invited to the Establishment Division's O.M. No. 4/13/60-SR, dated the 4th October, 1960 (Annexure) and it is stated that the instructions contained therein have been reviewed in this Division and in supersession of these instructions, it has been decided that Government servants compulsorily retired from service as a measure of punishment under the Government Servants (E&D) Rules, 1973 should not be granted leave preparatory to retirement.

[Authority.- Estt. Division O.M. No.4/8/88-D.1, dated 4-4-1977]. ANNEXURE Copy of O.M. No. 4/13/60-SR, dated the 4th October, 1960.

It has been decided that the Government servants compulsorily retired from Establishment Division service under the Government Servants (Efficiency and Discipline) Rules, 1960, may be granted leave preparatory to retirement under the normal rules. However, each case should be decided on its own merit by the competent authority as defined in Rule 2 (1) of those Rules.

Grant of arrears of pay and allowances to Government servants for period of absence from duty, on re-instatement as a result of Court's decisions

SI. No. 143

The Supreme Court in its recent judgment in C.A. No.28 of 1969 [West Pakistan Vs. Mrs. A. V. Issacs] has ruled that a civil servant has and always had the right to recover salary already accrued due to him despite the fact that his service was during "Pleasure". This has rendered obsolete its own two earlier judgments in the cases of Mehrajuddin [PLD 1959 SC (Pak) 147] and Fazl-e-Haq Mussarrat [PLD 1960 SC (Pak) 208] and a judgment of the former Federal Court in the case of Ali Anmed Hussain Shah [PLD 1955 FC 522] all of which followed the Privy Council's view on I. M. Lall's case and which was also followed in the Law Ministry. In its latest judgment, the Supreme Court has taken the view that if the dismissal

of a Government servant is held to be unlawful he should be allowed salary for the period he was kept out of service. This was, however, subject to the condition that if he has accepted other employment or engaged in other profitable business during this period any amount earned by him by way of salary from such employment or as profits of such business would have to be set of against the salary due, firstly because as Government servant he cannot serve elsewhere or engage in any other business without the permission of the Government and secondly, because on general principle a person cannot be allowed to reap a double advantage. Therefore, it would be no more open to the Government to resist claim for arrears of pay of a civil servant wrongfully removed from service on the plea that no such claim was competent. The claim will have to be resisted, if at all, on the facts of a particular case referred to in the judgment as exceptional cases. The right of the Government servant to claim future salary has, however, been negatived by the Court.

2. In view of the latest judgment of the Supreme Court on the subject a civil servant's claim for arrears of salary in the relevant circumstances cannot now be refused. Therefore, this Division's earlier advice to the contrary must be deemed to have been recalled and the Establishment Division is requested to review, in consultation with the Ministry of Finance, all the pending cases relating to claims of arrears of pay in the light of the fresh declaration of law by the Supreme Court and settle such claims. The Supreme Court's

judgment underlines the necessity of duly observing with care the provisions of the Constitution and the Government Servants (Efficiency and Discipline) Rules, in all disciplinary cases against Government servants and of expeditious disposal of such cases.

[Authority.- Law Division O.M.No.F.7(8)/70-SOL(I), dated 12-8-1970].

SI. No. 144

A reference is invited to the O.M. from the Law Division No. F. 7(8)/70-Sol(l), dated 12th August, 1970, which states inter alia that, in accordance with the Supreme Court's judgment in CA No. 28 of 1969 (West Pakistan vs Mrs. A. V. Issacs), if the dismissal of a Government

servant is held to be unlawful he has to be allowed salary for the period he was kept out of service, reduced by the amount, if any, that he might have earned by way of salary, or as profits, on account of having accepted some employment, or having been engaged in some profitable business, during the above period. Thus, the legal status of Government servants’ claims for arrears of pay and allowances is no longer the same as had been indicated in para 3 of this Ministry's circular d.o.No.F.9(15)-RI (Rwp)/61, dated 23rd December, 1961. Consequently, it is no longer appropriate for the enquiry committee referred to in para 4 of that circular D.O. to consider on merits, in cases in which Government servants are restored to their posts as a result of court's decisions, as to whether or not, and to what extent, pay and allowance for the period of their absence from duty should be restored.

2. It has accordingly been decided that, in cases where a Government servant is reinstated retrospectively as a result of a Court's decision, the functions of the enquiry committee to be set up under para 4 of this Ministry's circular d.o.No.F.9(15)-RI (Rwp)/61, dated 23rd December, 1961, as amended (Annexure)

would henceforth be as follows:-

(a) The Ministry/Division/Department as the case may be, may obtain from the Government servant concerned a solemn declaration, supported by an affidavit, as to the particulars of his employment, or engagement in profitable business, during the period of his absence from duty, and the amount earned by him by way of salary from such employment, or as profits in such business.

(b) After examining such evidence as might be available, and cross-examining, if necessary, the Government servant, the Ministry/Division/ Department as the case may be, may give their finding as to whether or not the above declaration is prima facie acceptable and on what grounds.

(c) If the declaration is found to be prima facie unacceptable, the Ministry/Division/Department as the case may be, should refer the case to the committee, which before giving their finding as to the amount earned by the Government servant during the period of absence from duty, may get the declaration properly verified/scrutinized by any agency they consider appropriate. For example, if the case had been dealt with by the Special Police Establishment at an earlier stage in any connection, this verification/scrutiny may be arranged to be carried out by that Establishment. For purposes of this verification/security assistance of the relevant Income-tax authorities, may also be sought, if the Government servant concerned be an Income-tax payer.

(d) In case the reinstatement of the Government servant has been ordered by the Court on account of the relevant administrative action having been found to be defective, the Committee should also give their findings

(i) as to which officers were responsible for that defectiveness of administrative action; and

(il) as to whether any, and what part, of the amount payable to the Government servant by way of net salary for the period of his absence from duty, might justifiably be recovered from such officers. The recovery from such officers will, of course, follow departmental proceedings under the Government Servants (Efficiency and Discipline) Rules.

3. The above instructions do not apply to cases in which Government servants are reinstated as a result of acceptance of

appeals by departmental appellate authorities, which will continue to be regulated by the provisions of FR-54, as hitherto.

[Authority.- Finance Division O.M.No.781-R4/73-F.3(4)-R.|/73, dated 10-7-1973].

ANNEXURE

Extract of paras 4 & 5 of the Finance Division letter No. F.1(15) RI (Rwp)/61, dated 23rd December, 1961 as amended.

4. lf as a result of Court's decision, a Government servant restored to his post, the question whether pay and allowances for the period he was under suspension or was removed from service should be decided on the merit of each case. For this purpose it is suggested that in all cases the Ministry or Department concerned should order a departmental enquiry headed by the representative of the Ministry/Deptt. administratively concerned with their Financial Adviser/Deputy Financial Adviser as a member of the Committee. This Committee should consider whether on the merits of the case, Government would be justified in restoring the official concerned, the pay and allowances for the period involved and, if so, whether in full or in part. In coming to a conclusion whether pay and allowances to individual should or should not be restored, following consideration will have to kept in view:-

(a) Whether the person concerned was acquitted on a purely technical or procedural grounds or whether the actually allegations against him had been gone into and were found to be incorrect;

(b) Whether the individual during the period he was away from active duty and other sources of income; and so on.

5. It has further been decided that in cases where the total period involved does not exceed 12 months from the time the individual was suspended or removed from service, the final decision

should be taken by the Ministry concerned at the level of the Secretary and in all other cases the matter should be referred to the Ministry of Finance for prior concurrence.

Government Servants (Marriage with Foreign Nationals) Rules, 1962

SI. No. 145

In exercise of the powers conferred by clause (2) of article 178 of the Constitution, the President is pleased to make the

following rules, namely:-

1. Short title, application and commencement.- (1) These rules may be called the Government Servants (Marriage with Foreign Nationals) Rules, 1962.

(2) They shall apply to every person who is a member of an All-Pakistan Service or who is serving in a civil capacity in connection with the affairs of the Central Government, but shall not apply to any person who is employed on contract.

(3) They shall come into force at once.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context:-

(a) “foreign national" means a person who is not a citizen of Pakistan;

(b) "government servant" means a person in the service of Pakistan to whom these rules apply whether such

person is, for the time being, on foreign service or not;

(c) "marriage" means matrimonial relationship entered into

in accordance with any law for the time being in force or any religious rites or ceremonies, and its grammatical variations and cognate expressions shall be construed

accordingly;

(d) "misconduct" has the same meaning as in the Government Servants (Efficiency and Discipline) Rules, 1960.

*"3. Marriage with Foreign nationals prohibited.-(1) Subject to the provisions of sub-rule (2), a Government servant who marries or promises to marry a foreign national shall be guilty of misconduct and render himself liable to any of the major penalties under the Government Servants (Efficiency and Discipline) Rules, 1973.

(2) A Government servant, may with the prior permission of the Federal Government marry or promise to marry a Muslim Citizen of India.

(3) The grant of permission under sub-rule (2) shall be at the discretion of the Federal Government, and may be subject to such conditions, if any, as it may specify."

4. Supersession of previous rules, notifications, etc.-These rules shall supersede all previous rules, notifications and instructions relating to the conditions of marriage of a Government servant.

[Authority.-. Estt. Division Notification No. S.R.O. 341 (K)/63 (4)/103/5, dated 29-4-1963 as amended up to 13-9-1965].

Note.- Officials who propose to marry Indian nationals should submit applications on the form prescribed vide Establishment Division O. M. No. 4/103/59-D-II, dated the 11th June, 1963. SI. No. 146

Marriage or promise of marriage with foreign national (except Indian) to be considered “Misconduct'.- Attention is invited to the Government Servants (Marriage with Foreign Nationals) Rules, 1962, whereunder marriage or promise of marriage with foreign national

except those of India, by any Government servant is not permitted and contravention of these rules is considered as

“Subs vide Estt. Division Notification No. S.R.O. 497 (I)/81, dated 27-5-1981.

misconduct rendering the Government servants found guilty, liable to be removed from service. Marriage or promise thereof with the citizens of India is possible only with prior permission of the Government.

2. It has come to notice that in some cases of the Government servants concerned were not fully aware of these rules. Ministries/Divisions are therefore, requested to draw attention of their officers to the provisions of these rules and advise their strict observance. The attention of all those who enter service in future may also be specifically drawn to these rules at the time of assumption of duties.

3. There is also need for forewarning the officers particularly the young at the time of their going abroad. The officers on such occasions may be granted interviews by Secretaries or Heads of departments under whom

they work in which the risk involved in violating the marriage rules may be explained.

[Authority.- Estt. Division O.M. No. 3/13/68-D.II, dated 14-6-1968].

SI. No. 147

Bar against making requests for ex-post facto approval for marriages with foreign nationals.- Lately there has been an increase in requests of ex-post facto approval for marriages with foreign nationals in relaxation of the above rules. Invariably the excuse for having contracted such marriages by the Government servants is ignorance of the rules.

2. The competent authority has taken serious notice of this tendency and has been pleased to direct that all Ministries/ Divisions/Departments be asked to disseminate the rule position to Governments servants for strict compliance. The competent authority

has further directed that in future no more ex-post facto permission will be granted in such cases.

3. Ministries/Divisions are requested to please bring the above instructions to the notice of all employees working under them and also to the employees of autonomous statutory bodies under their administrative control.

[Authority.- Estt. Division O.M. No.2/7/81-D.IV/D.3, dated 26-9-1988]. SI. No. 148

Under the Government Servants (Marriage with Foreign Nationals) Rules, 1962, marriage or promise of marriage with a foreign national by any Government Servants except with those of Indian Muslims with prior approval of the government, as a misconduct under the Government Servant (Efficiency & Discipline) Rules, 1973. Further, under Establishment Division's O.M. of even number, dated 26-9-1988, (SI. No.147) it has been made clear that no request is entertained for ex-post facto approval in such cases.

2. All Ministries/Divisions are again requested to bring the above position to the notice of all employees working in the Ministries/Divisions or in the autonomous/statutory bodies under their administrative control, for strict compliance and not to forward cases of ex-post facto approval to the Establishment Division.

[Authority.- Estt. Division O.M.No.2/7/81-D.IV/D.3, dated 8-1-1996].

Prohibition of wasteful expenditure on marriages

SI. No. 149

The Cabinet in its meeting held on 11.2.1997, has, inter alia, decided that the government functionaries henceforth should not attend any such marriage functions which violate the provisions of the Marriages (Prohibition of Wasteful Expenses) Act, 1997 and use

discretion in attending marriage functions other than those of close family and personal friends.

2. It is requested that the above decision may be brought to the notice of all concerned for strict compliance.

[Authority.- Estt. Division letter No.2/3/97-D.3, dated 18-6-1997].

Committals to prison SI. No. 150

[CSR 194-A: A Government Servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him is connected with his position as Government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude. During suspension period the Government servant shall be entitled to the subsistence grant as admissible under "FR- 53").

SI. No. 151

Suspension of a Government servant accused of criminal offences.- In cases where Government servants are accused of criminal offences, frequent references are made to the Establishment Division on issues such as :

(i) whether, on their committal to prison, they are to be suspended by a specific order or their Suspension is automatic ;

*CSR-194 subs and CSR 194-A omitted vide Finance Division S.R.O. No.25(KE)/97

dated 4-2-1997.

(ii)

(iii)

whether or not on their release on bail after arrest, they can be reinstated in service ;

whether their continued suspension requires approval of the authority after every three months.

2. The matter has been considered in the Establishment Division in consultation with the Law Division. It has been held that cases of the above nature are to be dealt with under Article 194 and 194-A of the Civil Service Regulations which are existing rules and which cannot be over-ridden by administrative instructions contained in section IV of Appendix-3 of Fundamental Rules and Supplementary

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3. In the context of the points mentioned in paragraph 1, the position that emerges from Article 194 and 194-A of CSR is explained

below :-

(a)

(b)

A Government servant committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest and until the termination of the proceedings against him, /.e., his suspension is automatic from the date of arrest till termination of proceedings against him ;

a Government servant against whom a criminal charge or proceeding for arrest for debt is pending should also be placed under suspension by the issue of specific orders to this effect during periods when he is not actually detained in custody or imprisoned (e.g. whilst released on bail) if the charge made or proceedings taken against him is connected with his position as a Government servant or is likely to embarrass him in discharge of his duties as such or involves moral

turpitude ; and

(c) the requirement of obtaining approval of authority for extension of suspension period after every 3 months laid down in Government Servants (Efficiency and Discipline) Rules, 1973 applies to suspensions ordered under these rules. Article 194 or 194-A do not mention any such requirement.

4. In view of the position stated above, the answers to the queries mentioned in para 1 are as follows in seriatim:-

(i) suspension under Article 194 is automatic. Suspension under Article 194-A requires specific approval of the competent authority;

(ii) in the light of what is stated in the preceding paragraph, the competent authority can, in case the accused official is no longer detained in custody, reinstate him in service unless it like him to continue to be under suspension on the consideration that the charges against him are connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties as such or involve moral turpitude. From the date of reinstatement onwards, the Government servant will no doubt be paid full pay. However adjustment of allowances for the period he remained under suspension will be made as Article 194 and 194-A envisage after the termination of the proceedings;

(iii) | approval of competent authority for suspension under Article 194 or 194-A is not required every 3 months.

5. With reference to (i) and (ii) in the preceding paragraph, the following administrative instructions may also be followed :-

(a) a report may be immediately to the "competent authority" whenever a person is committed to prison

and is considered to be under suspension under article 194 CSR in order to ensure that the competent authority remains in touch with the position of the official and his case; the fact of suspension may also be notified under advice to all concerned including the audit authorities in terms of Article 194 CSR; and

(b) a report on the progress of the criminal case leading to the suspension of a Government servant under Article 194 or 194-A, CSR, as the case may be, be submitted to the authorized officer every three months for his information to ensure that he remains in touch with the position of the official and his case.

6. The O.M. issues with the concurrence of the Ministry of Finance.

[Authority.- Estt. Division O.M.No.4/12/74-Dl, dated 10-3-1980].

SI. No. 152

Detention of Government servants under the Public Safety Acts.- A question has arisen whether an employee of the Federal Government who is detained in prison for a period of time under the provisions of the Sindh Maintenance of Public Safety Act, 1948 ora similar enactment and is released without any trial loses his service under the Government and whether such a person is entitled to any leave salary or subsistence allowance for the period he remained under detention. As some doubts seemed to exist in the matter, the question has been fully considered in consultation with the Law Division and it has been decided that the following procedure should be adopted to regulate cases of detention in prison and subsequent acquittal or conviction:-

(i) As soon as it comes to notice that an employee has been detained in prison, action should be taken to place him under suspension. The period of the employee's detention ‘[should be treated as period spent under]

(ii)

(ii)

(iv)

(v)

committal to prison within the meaning of Article 194 C.S.R. and the pay and allowances during suspension should be regulated under F.R.53;

If the employee is subsequently acquitted honourably he should be reinstated forthwith. He will be entitled to receive full salary for the entire period of his absence from duty under F.R. 54(a) ;

If on the other hand the acquittal is not honourable, then the provision of F.R. 54 (b) will apply ;

If the employee is released from detention without any trial, it is open to the competent authority to take disciplinary action against him if good and sufficient reasons exist from such action. In that case the procedure prescribed in the Efficiency and Discipline Rules must be observed; and

If the employee is convicted, he may be dismissed from service if his retention in service is not desirable. In that case the procedure prescribed in the Efficiency and Discipline Rules, need not be observed. He will be entitled to nothing more than the subsistence allowance up to the date of his dismissal from which date the pay and allowance will cease under F.R. 52.

[Authority.-Estt. Division O.M.No. F/19/11/49-Ests (SE), dated 20-12-1949].

SI. No. 153

A reference is invited to the Establishment Division's O.M. No.F. 19/11/49-Ests (S.E.), dated the 20th December, 1949, and it is stated that a certain amount of confusion has arisen from the words "considered as resulting from" which occur in item (i) of that Office Memorandum. These words, as they stand, are capable of being interpreted as if a person who is detained under the Public Safety

“Amended vide Estt. Division O.M.No. 27/41/52-SE II, dated 7-12-1954].

Act will be governed by the provisions of Article 194, Civil Service Regulations, as it stands. The position, however, is that Article 194 does not strictly apply to such cases but the intention is that, when a person is detained under the Public Safety Act, his pay and allowances should on the analogy of the provisions of Article 194, be regulated as if he was committed to prison. In order to make this intention clear it has been decided that the words "considered as resulting from" referred to above may be replaced by the words "treated as period spent under".

[Authority.-Estt. Division O.M.No.27/41/52-SE-lIl, dated 7-12-1954].

SI. No. 154

Removal from service as a result of conviction in Court of Law.- Attention is invited to the Establishment Division's O. M. No. 3/24/59-SE.IIl, dated 21-3-1959 (Annexure) it is stated that the instructions contained therein have been reviewed in the Establishment Division and in supersession of these instructions, it has been decided that in future all Government servants convicted of a criminal charge involving moral turpitude should be dismissed from Government service. For this purpose, Government Servants (Efficiency and Discipline) Rules, 1973 provide for dispensation of the normal disciplinary procedure.

2. The Ministries and Divisions are requested to bring the above position to the notice of all concerned for strict compliance in future.

[Authority.-Estt. Division O.M.No.2/2/73-Dl, dated 15-4-1976].

ANNEXURE

Copy of Establishment Division O.M. No. 3/24/59-SE.I, dated the 21st March, 1959.

References have been received from time to time from Ministries and Divisions etc. enquiring whether a Government servant convicted by a Court of Law can be removed or dismissed from service or reduced in rank straightway or it is necessary to give hima show cause notice before passing final orders in the matter.

2. This question has been given due consideration in the Establishment Division who are of the view that as a general principle if a Government servant is convicted in a Court of Law he does not automatically lose his employment under Government. But if in the opinion of the authority competent to pass orders of dismissal, removal or reduction in rank grounds which led to his conviction are good and sufficient for imposing any of these penalties, that authority can pass such an order. If however, the competent authority considers that a lesser penalty or no penalty at all is called for in the circumstances of the case (Such as minor or technical nature) there is no bar to that authority taking a decision accordingly.

3. If it is decided to award the penalty of dismissal, removal or reduction in rank it is not necessary to give a show cause notice to the person concerned vide Article 181 (2) proviso (a) of the late Constitution or Rule 55 of the Civil Services (Classification, Control and Appeal) Rules [Article 177 (I) (6) of the 1962 Constitution or Rule 6 of the Efficiency and Discipline Rules, 1960 may be referred to in the present context]. The order of removal, dismissal or reduction can be passed by the competent authority taking into consideration the grounds of conduct which led to the conviction of the person concerned in the Court of Law. The removal, dismissal or reduction in such cases takes effect from the date of orders and not from the date

of verdict passed by the Court.

Strictures passed by Courts against Government servants

SI. No. 155

The question whether strictures passed by Courts of Law against a Government servant render him liable to departmental action has been under consideration of the Establishment Division for some time. It has been held that when a Court passed any strictures against a Government servants, it should not necessary be assumed that he is guilty of some misconduct or breach of rules or an act of omission or commission. The nature of the action to be taken should be decided after careful consideration of the facts and circumstances of each individual case. If the strictures are such as to merit disciplinary action against the Government servant concerned, he should be dealt with departmentally in the light of the Government Servants (Efficiency and Discipline) Rules. No Government servant should, however, be punished on the basis of the strictures without drawing up necessary proceedings in accordance with the aforesaid rules. An entry may be made in the Character Roll of the Government servant concerned or a copy of the strictures placed therein only when specific orders are passed to that effect by the competent authority. In no other case, strictures should find a place in the Character Roll of the Government servant.

[Authority.- Estt. Division O.M.No. 3/110/59-E.V., dated 28-4-1960].

Payment of costs incurred by Government servants in defending themselves in Judicial proceedings

SI. No. 156

Under Section 266 (3) (d) of the Government of India Acct, 1935, it was necessary to consult the Federal Public Service Commission in matters relating to reimbursement of costs incurred by Government servants in defending themselves in legal proceedings and accordingly, after Independence, detailed instructions were issued indicating inter alia, at what stage the Commission were to be consulted in such matters, vide this Division Office Memorandum No. 3/15/52-SE. Il, dated the 10th July, 1952 (Annexure). These instructions continued to operate also under the 1956 Constitution which kept alive the above legal position by its Article 188 (2) (d).

2. With the commencement of the new Constitution, the position in this regard will, however, undergo some change as consultation with the Federal Public Service Commission in respect of matters mentioned above

will not be necessary [vide Article 185 (2) ibid]. It is, therefore, requested that the instructions contained in the Office Memorandum referred to above may please be followed subject to the modification that such cases need not be referred to the Commission with effect from the "commencing day' of the new Constitution.

[Authority.-Estt. Division O.M.No.2/16/62-D.I, dated 25-5-1962].

ANNEXURE

Copy of Establishment Division O.M. No. 3/15/52-SE.II, dated 10-7-1952.

The question has been raised what the practice should be where applications are received from Government servants asking for the costs of defending criminal or civil proceedings filed against them when the opposite party is (a) a private person, (b) Government.

2. The law on the subject is contained in section 197 of the Code of Criminal Procedure and in Section 266(3) (d) and 271 of the Government of India Act, 1935.

3. As regards proceedings initiated by members of the public against Government servants in respect of an act or acts done by them in their official capacity, there is little difficulty. In a letter issued in 1919, the Government of India in the Finance Department set out the practice in the following terms:-

"For many years, it has been the practice to apply the same principles in all departments. When a Government officer has been accused of committing an offence, or has been used for damages on the ground of some act done by him in his official Capacity, and it appears to the local Government that his conduct was not open to blame, it is usual to employ the Government law officers to defend the case at the expense of Government. When Government is not so satisfied, the practice is to leave the officer to defend himself at his own expense. But if he is subsequently acquitted and his character cleared Government defrays such reasonable charges as he has incurred in defending himself. The amount, which Government should pay is settled on the merits of each case according to circumstances. The justification for this procedure plainly is that had the facts been fully ascertained at the beginning Government would have undertaken his defence".

4. It is not necessary to amplify the above statement of practice, save to invite the attention of Ministries to the necessity of consulting the Pakistan Public Service Commission before passing orders, as required under Section 266 (3) (d) of the Government of India Act, 1935, and of consulting the Ministries of Law and Finance whether the expenses claimed are reasonable.

5. A more difficult question arises when Government are themselves the prosecutors. Unlike prosecutions launched by members of the public, prosecutions of officials by Government start with a presumption that they have been filed in good faith, after careful consideration and not vexatiously. When a case fails owing to its having remained unproved or the accused being given the benefit of the doubt or on some technicality. Government are under no

obligation to pay compensation; and any general practice of doing so merely because a case had failed in Court would be a waste of Government funds and make the cost of anti-corruption proceedings prohibitive. On the other hand the possibility cannot be excluded that there will occasionally be cases in which there are good reasons to believe that the accused was in fact innocent. In such cases compensation may and should be paid.

6. The procedure in all cases where application for such compensation is made will be as follows. If the tentative view of the administrative Ministry concerned is that compensation should be paid, they will consult the Ministry of Law both on any legal issue which may arise and on the reasonability of the charges claimed (counsel's fees, etc.). They will then in any case whether or not they favour payment of compensation, forward the file to the Pakistan Public Service Commission, with a concise statement of the case and all relevant papers, for their advice. 'On receipt of their advice, they will decide whether or not to pay

compensation and, if it is proposed to make any payment, will obtain the concurrence of the Ministry of Finance.

“Note.- Attention in this connection is invited SI. No.15 (b) (XVII) Annex II to the Ministry of Finance's O.M. No. F. 1 (5) R. 12/80, dated 11th March, 1981 according to which Ministries/Divisions have been delegated full powers to sanction "Law Charges" in consultation with the Ministry of Law.

Maintenance and circulation of list of persons debarred from future employment under Governments

SI. No. 157

Establishment of convention between Central Government and Provincial Governments.-As_ all Government addressed have indicated their willingness to establish a convention with the Central Government and between themselves to the effect that persons debarred from service under one Government will be treated as such by other Government, it has been decided to establish the proposed convention with immediate effect.

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[Authority.- Estt. Division No.39/4/48 Estt.(ME), dated 2-8-1948].

SI. No. 158

Procedure for the maintenance and circulation of lists of persons debarred from future employment under Government.- In order to effect economy in time, labour, and expense and to ensure the systematic preparation and maintenance of the list of debarred persons, it has been decided to centralise the work and to adopt the following procedure for this purpose:-

(a)

(b)

(c)

(d)

(e)

Ministries/Divisions will notify to the Establishment Division particulars of Government employees dismissed and debarred from future employment by them or by any of their Attached Departments or Subordinate Offices;

The Federal Public Service Commission will also notify to Establishment Division particulars of all candidates declared by them as_ unsuitable for Government employment;

Provincial Governments will also notify to the Establishment Division particulars of Government employees debarred by them from future employment, together with particulars of candidates declared by Provincial Public Service Commission as unsuitable for Government Service;

The Particulars under (a) to (c) above will be supplied monthly to the Establishment Division so as to reach that Division not later than the 20th of the month concerned; and

Establishment Division will prepare a consolidated list, in alphabetical order, once a month and circulate it to the Ministries/Divisions and the Provincial

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Governments.

[Authority. - Estt. Division O.M.No. 39/6/48-Estt.(ME), dated 25-10-1948].

SI. No. 159

According to the procedure laid down in the Establishment Division Office Memorandum No.39/6/48-Estt. (ME), dated the 25th October, 1948, as amended in their Office Memorandum of even number, dated the 2nd June, 1949, Ministries/Divisions, Federal Public Service Commission, Provincial Governments and Administrations are require to furnish to the Establishment Division the particulars of Government servants dismissed from service and debarred from future employment under Government, in the form prescribed therein. It is felt that the form in question should be amplified to include the educational qualification and permanent address of the person debarred from Government service. It is requested that in future information in regard to the person debarred from future employment under Government may please be furnished in the revised form (Annexure).

2. It has been observed in several cases that authority concerned are not in a position to furnish to the Establishment Division all the necessary particulars of the person debarred from future employment under Government for the reason that a proper record of their particulars have not been maintained by them. It will be appreciated that unless full particulars of the individuals concerned are included in the consolidated list issued by the Establishment Division, there is a danger of some of these individuals re-joining Government service undetected and thus the very purpose for which these lists are issued will be defeated. Ministries, etc., are, therefore, requested to ensure that full particulars of all Government servants are maintained by them so that necessary particulars are made available to the Establishment Division in case any of them is debarred from future employment under Government.

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[Authority. - Estt. Division O.M.No.38/6/65-ME, dated 18-6-1955].

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ANNEXURE

LIST OF PERSONS DISMISSED OR DEBARRED FROM GOVERNMENT SERVICE

Ministries/Divisions

Provincial Government

Name and Educational Father's Name Date of birth Office in which Reasons for Height and Permanent
Qualifications and address employed and the dismissal or personal marks of address post held
“disqualification identification, ‘Post or service for if known

which he was a candidate

‘In the case of persons declared unsuitable by the Public Service Commission.

183 SI. No. 160

Nil reports in respect of persons debarred from future employment under Government need not be sent to the Establishment Division.

[Authority. - Estt. Division O.M.No. 15/6/59-ME, dated 5-9-1959].

SI. No. 161

Under instructions issued from time to time Ministries are required to supply to the Establishment Division a statement, giving particulars of persons dismissed from service and debarred from future employment under the Government in the prescribed form by the 20th of each month. This statement is to be arranged alphabetically, typed only on one side of the paper and supplied to the Establishment Division in duplicate in a consolidated form.

2. It appears that these instructions are not being followed and these statements are not received in the prescribed form in accordance with the existing instructions. The last date prescribed for submission of these statements, e.g., 20th of each month is also not being adhered to. The result is that the lists cannot be printed in time.

3. In order to ensure the systematic preparation and maintenance of the lists of debarred personnel, it is requested that the above instructions may kindly be complied with strictly in future.

[Authority.- Estt. Division O.M. No. 103/10/59-Con., dated 22-12-1959].

SI. No. 162

The Ministries/Divisions are requested that henceforth the names with particulars of persons sent to the Establishment Division for publication in the quarterly lists of dismissed and debarred from future employment under the Government may kindly be sent to this Division in triplicate on the prescribed proforma in alphabetical order

e.g., the names starting with Alphabet “A' on one sheet and those starting with ~B' on a separate sheet and so on.

2. It is also requested that the material for publication in the said lists may be sent well in time so that the lists can be published immediately after the expiry of the quarter.

[Authority.- Estt. Division O.M. No. 22/4/71-F.1, dated 30-11-1971].

SI. No. 163

The periodical lists of persons dismissed from Government service and debarred from future employment under the government are issued by the Establishment Division with the object that Ministries/Divisions etc., remain abreast of the information in regard to the persons dismissed from Government Service on account of serious charges against them and that such persons should not be re-employed under the Government in future.

2. The Ministries/Divisions/Attached Departments etc. should consult these lists before making fresh appointments to avoid chances of such persons getting into the Government service again. The Establishment Division may kindly be informed that the instructions are being strictly followed by the Ministries/Divisions and that these have been brought to the notice of other authorities and offices under their administrative control.

[Authority.- Estt. Division O.M. No.22/4/71-F.1, dated 3-4-1973].

Submission of forged documents in support of age/educational qualifications

SI. No. 164

A large number of cases have come to notice in which candidates for Competitive examinations conducted by the Central Public Service Commission have submitted forged documents in support of their age or educational qualifications. This malpractice has

become so frequent that it is considered that it can be eradicated only if strict measures are adopted. The Establishment Division, therefore, consider that no punishment less than that of dismissal is normally appropriate in such cases.

2. It is, therefore, advised that while considering cases of this nature the Ministry of Finance, etc., may keep in view the views expressed in the Establishment Division letter No.40/6/50-SEI, dated 21-6-1950 (SI.No.20, Chapter II).

[Authority.- Estt. Division O.M.No. 40/15/51-SEI, dated 8-5-1951]. SI. No. 165

Under the existing orders candidates for posts in Government service who give false information about their educational qualifications, or tamper with their dates of birth in their educational certificates are disqualified by the Central Public Service Commission from appearing at any examination, and they are also debarred by the Government from employment under them. A number of such cases of forgery have been detected by the Central Public Service Commission, and it is felt that unless deterrent action is taken by way of prosecution in a Court of Law, forgers will not be discouraged. It has, therefore, been decided that whenever there are good grounds for suspecting a candidate for a post under the Government of having given false information about his educational qualifications, or tampering with his date of birth as recorded in his educational certificate action should be taken immediately to prosecute him and have the case tried summarily.

[Authority.-. Estt. Division Letter No.6/26/58-R, dated 11-11-1958].

SI. No. 166

Government of Pakistan do not agree with the views expressed by the Government of East Pakistan in their letter No. 2070-GAC, dated 9th December, 1958 (Not reproduced) that the furnishing of false information by candidates for posts in Government

service is punishable under section 177 of the Pakistan Penal Code. Section 177 of the Pakistan Penal Code deals with the cases of persons legally bound to furnish information to a public servant, whereas there is no legal obligation in the part of a candidate to furnish information when applying for a post in Government service. The offence of furnishing false information in such cases is not, therefore, punishable under section 177, but under section 182 of the Pakistan Penal Code.

2. As for tampering with the date of birth as recorded in an educational certificate, it is considered that this amounts to forgery within the meaning of section 463 of the Pakistan Penal Code. The forging of certificates to support false assertions of educational qualifications would appear to be punishable under section 465, and the use of forged certificates punishable under section 468 of the Pakistan Panel Code. It is considered that these offences, which are punishable with long periods of imprisonment, cannot be tried summarily for the reason that under section 260 of the Code of Criminal Procedure, only offences punishable with imprisonment for a term not exceeding six months can be tried summarily.

3. In the circumstances prosecution for the offences mentioned above should be restricted to cases of false information under section 182 of the Pakistan Panel Code, ignoring the offence of forgery where it is also present. Steps should also be taken to have the cases tried in a Summary manner under sub-section (1) of section 260 of the Code of Criminal Procedure, 1898.

[Authority.- Estt. Division Letter No.6/26/58-R, dated 20-1-1959 addressed to the Government of East Pakistan].

Anti-Corruption Measures

SI. No. 167 Government servants to disclose' their assets/severe

disciplinary action for indulging in corrupt practices.- Government of Pakistan have recently considered certain measures for the

elimination of corruption among Government servants and have inter alia decided as follows:-

(a) that a Government servant when required by Government to disclose his assets, immovable as well as liquid, must comply;

(b) that a Government servant who indulges in nepotism, favouritism, victimization and wilful abuse of office will be liable to disciplinary action which may include dismissal.

It is requested that the above decisions may please be brought to the notice of all Government servants serving under the Government of Pakistan.

[Authority.- Estt. Division O.M.No. 4/15/53-SE II, dated 7-7-1953]. SI. No. 168

Responsibility of all officers to watch the conduct of their subordinates. - It has been decided that all officers should be informed that it is their duty to watch the conduct of their subordinates and to ensure that corruption does not spread among them. Failures to do so would be reflection on their own efficiency.

[Authority.- Estt. Division O.M.No.3/5/59-SE II, dated 4-3-1959]. SI. No. 169

Responsibility of Heads of Departments/Organizations to eradicate corruption from officials working under them.- Government has recently considered the question of eradication of corruption from Services and decided that "Heads of Organizations" should be made responsible for rectifying and punishing corrupt officials working under them. It was further decided that they should be provided with a list of suspected corrupt officials whose activities should be watched vigilantly. In accordance with the existing instructions it is duty of all

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officers to watch the conduct of their subordinates and to ensure that corruption does not spread among them. The inspector General, Special Police Establishment, is being asked to furnish to the Heads of Departments/Organizations, lists of Suspected corrupt officials of their Departments/ Organizations. The services of the Special Police Establishment should be freely utilized for verifying the allegations of corruption, or for conducting enquiries/investigations, into suspected cases of corruption.

2. The Office Memorandum may be brought to the notice of all Heads of Departments/Organizations under the Ministry of Finance, etc.

[Authority.- Interior Division O.M. No.1/8/67-SP(P), dated 20-9-1967]. SI.No.170

Measures undertaken to curb corruption in the Police have shown appreciable results, and its personnel deserve to be commended, and encouraged to continue with their efforts in that direction.

2. Meanwhile, public complaints of corruption in several Government departments persist, and effective steps are required to root it out. It is the bounden duty of every Head of Department to exercise utmost vigilance, analyse the cause, and trace the source where incidence of corruption occurs.

3. In future, a Head of Department will bear responsibility, and be answerable for proven charges of corruption within the area of his administrative jurisdiction. It is self-evident that corruption prevails in a department of its Head is:

(a) himself corrupt, or

(b) wilfully blind to corruption taking place, or

(c) so inefficient that he is unable to control it.

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4. Whichever of these three reasons may be applicable, such a Head of Department cannot be retained in service to the detriment of Government's objective of serving the people and promoting their weal and welfare.

[Authority.- President and CMLA's Note No.57/1/CMLA, dated 25-9-1978].

SI. No. 171

Setting up of Committees to deal with cases of corruption.- The question of eradicating corruption from the various walks of life in the country has been engaging the attention of the Government for some time. More particularly, corruption and indiscipline in Government offices have given Government cause for a great deal of concern. Accordingly, amongst other measures that the Government is contemplating, the Prime Minister has been pleased to approve the following procedure for cleansing Government offices and departments of corrupt and inefficient elements.

2. The Inspector General, Special Police Establishment should periodically compile lists of Government servants who are either guilty of corrupt practices or enjoy a persistent reputation of being corrupt. These lists should be forwarded to the Establishment Division in the case of officers of Grade 17 and above and to the concerned Ministries in case of Government servants of Grade 16 and below. Secretaries to the Government and heads of departments may also report, in respect of the Ministries and Departments under them, such cases of Government servants in Grade 17 and above to the Establishment Division.

3. The cases thus referred to the Establishment Division will be looked into by a Committee consisting of Establishment Secretary, Interior Secretary and Secretary of the Ministry concerned. The Committee will be responsible for making recommendations to the Prime Minister as to the action that may be taken against the corrupt officials concerned. In respect of Government servants of grade 16 and below Ministries may take final action.

4. In big departments such as Railways, Telephones and Telegraphs and Pakistan Public Works Department, where corruption is rampant in a big way, separate Committees should be set up. These Committees should finalize action in respect of officers in Grade 16 and below. For Grade 17 and above they should make recommendations to the Committee referred in para 3, who after scrutiny will submit cases to Prime Minister. There should be a separate Committee for corporations.

5. These departments should also have their own separate anti-corruption cells, which they may organize in consultation with the Interior Division and I.G., S.P.E.

6. The Committees referred to in paras 3 and 4 should also deal with cases of inefficient Government servants. [As you no doubt know senior Government servants of Grades 21 and 22 can now be retired at any time if they are inefficient or have outlived their utility.] Other Government servants can also be retired on completion of 25 years of service. It has been decided with the Prime Minister's approval that 2 to 3 years before a Government servant is due to complete 25 years service, a special entry should be made by the reporting officer in his ACR indicating whether his continued retention in service is justified. Such cases as are reported unfit for further retention for 3 consecutive years should come up before the respective Committee for necessary scrutiny and action.

[Authority.- Estt. Division D.O. No.1/7/74-CV, dated 22-8-1974].

SI. No. 172

Cooperation with investigating Officers of the Federal Investigating Agency.- The New Federal Investigation Agency has been constituted by the Government of Pakistan for the investigation of cases of bribery and corruption involving persons serving in connection with the affairs of the Centre. The cases of corruption usually relate to the functions of the public servants concerned and involve the examination of official record for coming to a conclusion whether an offence has been committed or not. Instances have come to notice that in some cases when the Investigating Officers of the

Special Police Establishment approached the Departments for papers relevant to the cases under investigation, the officers concerned delayed handing over of papers on one pretext or the other and in some cases even refused to hand over the documents. They were perhaps not aware that under section 94 of the Criminal Procedure Code, an Investigating Officer is empowered to demand the production of any paper connected with the offence, the investigation of which is being conducted by him and omission to comply is punishable under section 175 of the Pakistan Penal Code. Even otherwise, it is the duty of each public servant to assist the anti-corruption agencies in their arduous task of eradicating corruption. The responsibility of the Heads of Departments in this matter has also been emphasized in this Ministry's Office Memorandum No.

1/8/67-SP (P), dated the 20th September, 1967. Delay in the investigation of corruption cases is detrimental to the prosecution and goes in favour of the accused who gets a chance to tamper with the record and win over the witnesses before the police can examine them. It is, therefore, requested that suitable instructions may be issued to all concerned impressing upon them the need for prompt handing over of the requisite record to the Investigating Officers and the desirability of extending full co-operation to them in the investigation of corruption cases.

[Authority.- Interior Division O.M. No.1/8/68-SP(P), dated 24-7-1968].

SI. No. 173

It has been again reported by the Inspector General, Special Police Establishment, that most of the investigations are delayed as the relevant record of the case is not readily made available by the Department concerned to the investigating officers.

2. Itis, therefore, requested that fresh instructions may kindly be issued to all concerned impressing upon them the need for prompt handling over of the requisite record to the investigating officers and the desirability of extending full co-operation to them in the investigation of corruption cases.

[Authority.- Interior Division O.M.No.1/8/68-SP(P), dated 27-2-1971].

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‘Note.- Pl. see Section 13 of Civil Servants Act, 1973, as amended, in the present context. Instructions regarding

investigations by the

Federal Investigation

Agency into cases of

bribery and corruption

SI. No. 174

With the coming into force of the F.I.A. Act No. VIII of 1975, the Special Police Establishment stands converted into the Federal Investigation Agency. Instructions regarding investigations by the Federal Investigation Agency into the conduct of cases of bribery and corruption have, therefore, been drawn upon the lines of the former instructions regarding investigations by the Special Police Establishment with necessary modifications, and a copy thereof is forwarded herewith (Annexure 1) for information and guidance.

[Authority.- Interior Division O.M. No. 1/21/74-SP (P), dated 5-3-1975].

ANNEXURE |

Instructions regarding investigation of cases of Bribery and Corruption by the Federal Investigation Agency.

Note.- The expression "Competent Authority" in these instructions means the Anti-Corruption Council at the Centre (Annexure II) in the case of an officer of grade 17 and above who is serving in connection with the affairs of the Federal Government is not removable from his office save by or with the sanction of the Federal Government and, in any other case, the Interior Division.

1. The Federal Investigation Agency may start an investigation either on its own initiative or on receipt of a complaint or information, oral or written.

2. When the identity of the complainant is not known, as will happen when the complainant is anonymous or pseudonymous, the Agency, shall not register a case unless they are able to obtain, by the preliminary enquiry, independent corroboration of the allegations made in the complaint.

3. When the identity of the complainant is known, the Agency shall ascertain from him full facts in support of his allegations and shall, after doing so, proceed in the manner laid down in the succeeding paragraphs.

A. If the preliminary enquiry, referred to in paragraphs 2 and 3 above, shows that there is reason to suspect the commission of an offence which the Agency is empowered to investigate, the Agency shall at once send a brief statement of the case to the competent authority and seek its concurrence to the registration of the case. On receipt of this concurrence, the Ministry or Department under which the Government servant concerned is serving shall be informed of the registration of the case:

Provided that a reference to the competent authority shall not be necessary to the case of those Government servants who are not governed by section 197 of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided further that the Agency may register a case against any Government servant at once, if for reasons to be recorded, it consider that delay in investigation will, or is likely to, result in the disappearance of, or in tampering with, the evidence or in immediate loss to Government. When registration is effected without prior reference, under this proviso, a report of the action taken alongwith reasons thereof shall be forwarded by the Agency at the earliest Opportunity to the competent authority.

5. Before the registration of a case, all inquiries shall be secret as far as possible. After a case has been registered, investigation shall proceed with care and discretion and no undue publicity shall be given to it. Special care shall be taken to ensure that no unnecessary damage is caused to the prestige, reputation and dignity of the Government servant involved in the case.

6. At the close of investigation into cases for which sanction for prosecution is required under section 197 of the Code of Criminal Procedure, 1898 (Act V of 1898), or under sub-section (5) of section 6

of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958). The Agency shall submit to the Anti-Corruption Council, in the case of officers of grade 17 and above, as per instructions noted under (a) below, and to the Interior Division, in the case of other officers as per instructions noted under (b) below, full facts of the case, the opinion of the legal Adviser, the draft sanction order, a charge-sheet and a brief statement of allegations to be supplied to the accused Government servant.

(a) In cases registered against officers of Grade 17 and above, explanation of the accused officer, giving him 15 days time will be obtained by the Deputy Director of the Agency before submission of the case to the Anti-Corruption Council for decision regarding disposal of the case viz. charge-sheet for trial or departmental action or dropping the case. The Anti-Corruption Council will take into consideration the explanation of the accused in taking decision regarding disposal of the case. The Secretary of the Ministry concerned in which the accused officer serves, if he is not a member of the Anti-Corruption Council, will be co-opted as a member of the Council while deciding the case. If charge-sheet for trial in court is recommended by the Anti-Corruption Council, Interior Division will accord sanction for prosecution, without further reference to the Ministry concerned to obtain explanation of the accused, on the basis of the decision of the Anti-Corruption Council.

(bo) Inthe case of officers of Grade 16 and below, the Interior Division shall Communicate the full facts of the case to the Ministry under whom the Government servant concerned is employed and they shall supply to the Government servant concerned a copy of the charge-sheet and the brief statement of allegations furnished by the Agency and give him an opportunity to submit within 15 days of its receipt a statement in writing to show cause why he should not be prosecuted in a court of law or otherwise proceeded against:

Provided that the giving of an opportunity to the Government servant concerned to submit a statement in writing shall, in no case be in the nature of a departmental enquiry or proceedings. The intention is that his statement should be on record when taking a final decision before according sanction for prosecution.

7. In all cases, referred to the Anti-Corruption Council, under para 6, the following procedure for obtaining the explanation etc., of the accused officer shall be observed before seeking permission for registration of a case or open enquiry from the Anti-Corruption Council:-

(1) Explanation of an accused officer shall be obtained before permission for open enquiry is sought by the Federal Investigation Agency, provided there be no difficulty in seizing documents during confidential enquiry and there is no- apprehensions _ for disappearance of material evidence;

(2) Officers of the Federal Investigation Agency will be able to seize documents during preliminary confidential enquiry as there is no legal bar to it;

(3) Explanation of the accused officers should be obtained before seeking permission for registration of a case against him. This will be done by the Deputy Director of the Federal Investigation Agency. Questions asked and replies furnished by the officer whose conduct is under enquiry shall invariably be sent to the Secretary of the Ministry concerned under which the accused officer serves, through the Director General, Federal Investigation Agency; and

(4) In each case, explanation shall be obtained within 15 days.

8. The Ministry concerned to whom reference is made under para 6 (b) shall communicate their recommendations alongwith the statement of the Government servant concerned to the Interior Division within one month of its receipt.

9. If itis decided to prosecute in a court of law a person who is serving in connection with the affairs of the Federal Government or is not removable from his office save by or with the sanction of the

Federal Government, the sanction for his prosecution under section 197 of the Code of Criminal Procedure, 1898, or sub-section (5) of section 6 of the Pakistan Criminal Law Amendment Act, 1958 (XL of 1958) as the case may be, shall be issued forthwith by the Interior Division.

10. If it is decided to take departmental action against Government servant, the necessary action shall be taken by the authority under whom the Government servant is serving. The agency shall supply to the Ministry or Department under which the Government servant concerned is employed, all materials required for the departmental enquiry and thereafter that Ministry or Department may avail of the services of the whole-time Enquiry Officers of the Interior Division in accordance with the provisions of their Memo. No. 2/7/67-SP (P), dated the 13th March, 1963. The Ministry or Department, as the case may be, shall intimate the result of the enquiry to the Interior Division and to the Federal Investigation Agency.

11. In case where departmental action is taken, the Interior Division may call for records of the departmental proceedings.

12. When sanction for prosecution is issued, the Government servant concerned shall be placed under suspension, unless this action has been taken at an earlier stage.

ANNEXURE II

Copy of Interior Division O. M. No. 1/9/67-SP (P), dated 29-6- 1968.

Setting up of Anti-Corruption Council at the Centre to deal with cases of Class | Officers.

The undersigned is directed to say that it has been decided to set up an Anti-Corruption Council at the Centre to deal with cases of corruption against Class | Officers investigated by the Special Police Establishment. The composition etc., of the Council will be as follows:-

(1) Composition.-The council will be composed as follows:-

(i) Secretary,Cabinet Secretariat Member (Establishment Division).

(ii) Secretary, Ministry of Home Member and Kashmir Affairs (Home Affairs Division).

(iiIi)Secretary, Ministry of Law Member (iv) — Inspector-General, Special Secretary

Police Establishment.

Note.- (a) The senior most of the three permanent members will act as the Chairman of the Council.

(b) The Council will co-opt the Secretary of the Ministry concerned, the case of whose official comes up for decision.

(2) Jurisdiction.- The Council will deal with cases of corruption against:-

(i) All Class | Officers of the Central Government;

(ii) Officers of the Provincial Governments or of the corporate bodies and other organizations set up by the Centrally Government where the authority competent to remove the accused from service is the President;

(iii) Members of All Pakistan Services or of Central Class | Services or holders of Class | Posts under the Central Government who were at the time of the commission of the offence serving in connection with the affairs of a Province.

(3) Functions.- The functions of the Council will be as follows:-

(i) To permit institution of open enquiry by the Special Police Establishment.

(ii) To permit registration of a case by the Special Police Establishment, for formally investigation.

(iii) | To consider the enquiry/investigation report and recommend, as the case may be,

(a) prosecution of the accused, or (b) departmental action, or

(c) dropping of the case, or

(d) further enquiry/investigation.

Note.- Recommendations of the Council shall have the same sanctity and shall be given the same weight as_ the recommendations of the Central Public Service Commission.

SI. No. 175

Correspondence with the F.I.A.- The Federal Investigation

Agency (formerly Pakistan Special Police Establishment) is

authorized to undertake the investigation of crime under the various

laws included in the Schedule to the F.I.A. Act, 1974 (VIII of 1975) (Annexure). As such, all Ministries and Divisions including their

subordinate and attached offices, and for that matter an agency or individual, can directly bring to the notice of the Circle and Branch Offices of the F.I.A. (located in various cities), any incidence or alleged incidence of a crime, under the law included in the said Schedule. However, while doing so they are requested to endorse a copy of their communication to the Director General, Federal Investigation Agency, to help to facilitate a quick disposal of the reference.

2. References regarding important matters should, however,

continue to be addressed to the Interior Division. [Authority.- Interior Division O.M. No.8/9/74-Admn.IV., dated 6-3-1975].

ANNEXURE

THE FEDERAL INVESTIGATION AGENCY ACT, 1974 (ACT VIII OF 1975)

[Dated: 13-1-1975]

An Act to provide for the constitution of a Federal Investigation Agency.

Whereas it is expedient to provide for the constitution of a Federal Investigation Agency for the investigation of certain offences committed in connection with matters concerning the Federal Government, and for matters connected therewith;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Federal Investigation Agency Act, 1974.

(2) It extends to the whole of Pakistan and also applies to all citizens of Pakistan and public servants, wherever they may be.

(3) It shall come into force at once.

2. Definition.- In this Act, unless there is anything repugnant in the subject or context, -

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"Agency" means the Federal Investigation Agency constituted under section 3;

"Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

"Director-General" means the Director-General of the Agency;

"Provincial Police" means the Police constituted by a Provincial Government under the Police Act, 1861 (V of 1861);

"Public servant" means a public servant as defined in section 21 of the Pakistan Penal Code (Act XLV of 1860), and includes an employee of any corporation or other body or organization set up, controlled or administered by or under the authority of the Federal Government;

"Special Police" means the Pakistan Special Police Establishment constituted under the Pakistan Special Police Establishment Ordinance, 1948 (VIII of 1948);

"Specified persons" means the persons who were appointed to posts in or under a Provincial Police in pursuance of Article 3 of the Special Police and Provincial Police (Amalgamation) Order, 1962 (P.O. No.1 of 1962); and

"rule" means rules made under this Act.

3. Constitution of the Agency.- (1) Notwithstanding anything contained in any other law for the time being in force, the Federal Government may constitute an Agency to be called the Federal

Investigation Agency for inquiry into, and investigation of, the offences specified in the Schedule, Including an attempt or conspiracy to commit, and abetment of, any such offence.

(2) The Agency shall consist of a Director-General to be appointed by the Federal Government and such number of other officers as the Federal Government may, from time to time, appoint to be members of the Agency.

4. Superintendence and administration of the Agency.-(1) The superintendence of the Agency shall vest in the Federal Government.

(2) The administration of the Agency shall vest in the Director General who shall exercise in respect of the Agency such of the powers of an Inspector General of Police under the Police Act, 1861 (V of 1861), as may be prescribed by rules.

5. Powers of the members of the Agency.- (1) Subject to any order which the Federal Government may make in this behalf, the members of the Agency shall, for the purpose of an inquiry or investigation under this Act, have through out Pakistan such powers, including powers relating to search, arrest of persons and seizure of property, and such duties, privileges and liabilities as the officers of a Provincial Police have in relation to the investigation of offences under the Code or any other law for the time being in force.

(2) Subject to rules, if any, a member of the Agency not below the rank of a Sub-Inspector may, for the purposes of any inquiry or investigation under this Act, exercise any of the powers of an officer incharge of a Police-station in any area in which he is for the time being and, when so exercising such powers, shall be deemed to be an officer-incharge of a police-station discharging his functions as such within the limits of his station.

(3) Without prejudice to the generality of the provisions of subsection (1) and sub-section (2), any member of the Agency not below the rank of a Sub-Inspector authorized by the Director- General in this behalf may arrest without warrant any person who has

committed, or against whom a reasonable suspicion exists that he has committed, any of the offences referred to in sub-section (1) of section 3.

(4) For the purpose of the exercise by the members of the Agency of the powers of an officer-in-charge of a police-station, "Police-station” includes any place declared, generally or specially, by the Federal Government to be a police-station within the meaning of the Code.

(5) If, in the opinion of a member of the Agency conducting an investigation, any property which is the subject matter of the investigation is likely to be removed, transferred or otherwise disposed of before an order of the appropriate authority for its seizure is obtained, such member may, by order in writing, direct the owner or any person who is, for the time being, in possession thereof not to remove, transfer or otherwise dispose of such property in any manner except with the previous permission of that member and such order shall be subject to any order made by the court having jurisdiction in the matter.

(6) Any contravention of an order made under sub-section (5) shall be punishable with rigorous imprisonment for a time which may extend to one year, or with fine, or with both.

6. Power to amend the Schedule.- The Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

7. Delegations of powers.- The Director General may by order in writing, direct that all or any of his powers under this Act or the rules shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by any member of the Agency so specified.

8. Indemnity.- No suit, prosecution or other legal proceeding shall lie against the Federal Government, any member of the Agency or any other person exercising any power or performing any function under this Act or the rules for anything which is in good faith done or

intended to be done under this Act or the rules.

9. Power to make rules.- (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

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the terms and _ conditions of service of the Director-General and other members of the Agency and the qualifications for recruitment to various posts;

the powers and functions of the members of the Agency in relation to the conduct of inquiries and investigations;

the nature and extent of the assistance which the Agency may provide to Provincial investigating agencies;

the powers of the Inspector General of Police under the Police Act, 1861 (V of 1961), which shall be exercisable by the Director-General; and

the manner in which rewards may be given to the

members of the Agency or of the public for rendering commendable services.

Repeal.- (1) The Pakistan Special Police Establishment

Ordinance, 1948 (VIII of 1948), and the Special Police and Provincial Police (Amalgamation) Order, 1962 (P. 0. No. | of 1962), hereinafter referred to respectively as the said Ordinance and the said Order, are hereby repealed.

(2) (a)

Upon the repeal of the said Ordinance,-

all persons who were members of the Special Police

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immediately before such repeal, including the specified persons, shall stand transferred to the Agency and shall, subject to sub-section (5), be entitled to the same terms and conditions to which they were entitled immediately before such repeal; and

(b) any inquiry or investigation pending with the Special Police immediately before such repeal shall continue to be conducted by the Agency.

(3) Notwithstanding the repeal of the said Order, but subject to sub-section (4), every specified person shall continue to be appointed in or under the Provincial Police in or under which he was holding a post immediately before the commencement of this Act.

(4) On the recommendation of the Director-General, and with the concurrence of the Provincial Government concerned, the Federal Government may direct that such of the Specified persons referred to in sub-section (3) as may within thirty days of the commencement of this Act express their willingness to serve in or under the Agency shall be appointed to posts in or under the Agency.

(5) A specified person referred to in clause (a) of sub-section(2), and a person in respect of whom a direction is issued under sub-section (4) shall, upon the repeal of the said Ordinance or, as the case may be, the issue of such direction, cease to hold a post in or under the Provincial Police concerned and shall be entitled to the same terms and conditions of service to which he was entitled immediately before such repeal or the issue of such direction.

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THE SCHEDULE

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[See Sections 3 (1) and 6]

Offences punishable under section 161, 165A, 168, 169, 217, 218, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 263, 353, 366B, 402A, 402B, 402C, 403, 404, [406], 409, “[420, 468, 471], 477A, 489A, 489B, 489C, 489D, 489E, of the Pakistan Penal Code (Act XLV of 1860)

Offences punishable under the Explosive Substances Act, 1908/VI of 1908).

Offences punishable under the Official Secret Act, 1923 (XIX of 1923).

Offences punishable under the Engineers Act, 1946 (XXXI of 1946).

Offences punishable under the Prevention of Corruption Act, 1947 (Il of 1947).

Offences punishable under the Foreign Exchange Regulation Act, 1947 (VII of 1947).

Offences punishable under the Imports and Exports (Control) Act, 1950 (XXXIX of 1950)

Offences punishable under the Banking Companies Ordinance, 1962 (LVII of 1962).

Offences punishable under the Pakistan Arms Ordinance, 1965 (W.P. Ord. XX of 1965).

“Subs vide Establishment Division Notification No. S.R.O. 826(1)/97, dated 20-9-1997.

“Ins vide Establishment Division Notification No. S.R.O. 237(1)/98, dated 10-4-1998.

(10) Offences punishable under Section 156 of the Customs Act, 1969 (IV of 1969).

(11) Offences punishable under Foreign Exchange Repatriation Regulation, 1972.

(12) Offences punishable under the Foreign Assets (Declaration) Regulation, 1972.

(13) Offences punishable under the National Registration Act, 1973.(LVI of 1973)

(14) Offences punishable under the High Treason (Punishment) Act, 1973 (LXVIII of 1973).

(15) Offences punishable under the Prevention of Anti-National Activities Act, 1974 (VII of 1974).

(16) Offences punishable under the Banks (Nationalization) Act, 1974. (XIX of 1974).

(17) Offences punishable under the Passport Act, 1974 (XX of 1974).

(18) Offences punishable under the Drugs Act, 1976 (XXxXI of 1976).

(19) Offences punishable under the Emigration Ordinance, 1979 (XVIII of 1979).

(20) Offences punishable under the Exit from Pakistan (Control) Ordinance, 1981 (XLVI of 1981)].

SI. No. 176

Suspension of public servants involved in cases of bribery and

corruption.- It has come to the notice of the Interior Division that

Government servants who were involved in cases of bribery and corruption and were suspended from service in accordance with paragraph 12 of the Instructions regarding investigation of cases of Bribery and Corruption by the Federal Investigation Agency have been kept under suspension unduly long period. In some cases the period of suspension extend over six months or even more, thereby subjecting such officials to unnecessary mental and other hardships. In order to obviate such hardships, it has been decided that the cases of public servants who are being prosecuted on charge of corruption and have been under suspension for over a year should be reviewed after every six months, with a view to determining whether they can be reinstated. It is accordingly requested that the particulars of such cases may be furnished to this Ministry, in the enclosed form (Annexure) every six months i.e. by the middle of January and July every year alongwith the recommendations of the Ministry/Division concerned, for carrying out the proposed review.

2: Nil statements may also please be sent in respect of these Ministries/Divisions/Departments/Organizations in which no public servant of the category mentioned above is under suspension.

[Authority.- Interior Division O.M. No. 1/7/68-SP (P), dated 29-6-1968].

STATEMENT OF PUBLIC SERVANTS INVOLVED __ IN CORRUPTION CASES AND CONSEQUENTLY SUSPENDED FROM SERVICE

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Annex

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Statement for the half year ending...............:2:00

Serial Name and Date from which No. designation continuously of public servant under suspension

Reason for suspension viz, whether arrested by police and whether sanction for prosecution issued

If san pros issued | ant

Sl. No.

Fraternization of Government Servants with Foreign Diplomats

Reference Establishment Division's d.o. letter No.6/17/72-DA/D.IV, dated 16.4.1996 on the subject noted above and to state that it has been reported to the Establishment Division that there is a tendency amongst Government functionaries to attend dinners/lunches hosted by the foreign diplomats based in Pakistan and has increased considerably. All the Ministries/Divisions are requested to ensure that the officers/officials of the Ministries/Divisions and their attached departments — strictly follow the instructions circulated vide Establishment Division's d.o. letter referred to above.

[Authority.- Establishment Division's O.M.No.6/17/72-D.IV/D.3. dated 17.1.2000.

Sl. No.

Instructions have been issued, from time to time, explaining the parameters within which a Government servants could cultivate contacts with the personnel of Foreign Missions in Pakistan. It has, however, come to the notice of the Government that despite these clear orders, there exists a tendency among Government officials to approach the Foreign Missions, directly or indirectly, for personal favours as well as consular facilities. Such acts, obviously, are a clear violation of rule 30 of the Government Servants (Contract) Rules, 1864, and instructions issued thereunder. 2. The Government has taken a serious view of the above tendency among Government servants and has desired taking effective measures to curt this tendency. In this connection, the following instructions provide the guidelines on the subject:-

i) Government servants should exercise great caution and

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restraint in the matter of social contacts with the members of foreign Missions in Pakistan and inter-alia abstain from extending invitations to them for private lunches/dinners at their residence, etc.

il) Officials of the level of Deputy Secretary and below should not receive the officials of foreign Missions except with the express permission of the Secretary.

iil) Government servants are also. prohibited from contacting, or making direct approaches to the foreign missions in Pakistan, in connection with their private business. All such approaches should be made through proper channel (i.e. Ministry of Foreign Affairs).

iv) Invitations extended by the foreign Missions on the occasions of their National Days, to the officers below the status of Joint Secretary may be accepted only after obtaining permission from the Secretary.

v) The participation of officers below the status of Joint Secretary, in private functions arranged by foreign diplomats, should generally be discouraged. Joint Secretaries and officers of equivalent status will, however, do so with the prior approval of the Secretary.

vi) Repeated and frequent attendance by officers at private functions held by the same foreign diplomat must be avoided.

vil) AS a general rule, only those officers should accept foreign diplomats' invitation who come into official contact with the latter.

3. You are requested to kindly ensure compliance of the above instructions, at all levels, and that no one approaches, directly or indirectly, any foreign Mission in Pakistan or any foreign aid-giving agency, for any personal favours. It is requested that these instructions may kindly be circulated to all officers under the administrative control of your Ministry/Division, including in the autonomous/semi autonomous bodies/corporations, for _ strict

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compliance and to initiate prompt disciplinary action against those violating these instructions. [Authority.- Establishment Division's d.o. letter No.6/17/72-EA/I.IV

dated 16.4.1996].

A. Government | An officer notified as | An officer servants in Basic Pay | appointing authority | designated by the Scale 16 and | Under rule 6 of the | authority in column equivalent. Civil Servants | 3.

(Appointment,

Promotion and

Transfer) Rules, 1973. 5. Government | An officer notified as | An officer servants in Basic Pay | appointing authority | designated by the Scales 3 to 15 and| under rule 6 of the | authority in column equivalent. Civil Servants | 3.

(Appointment,

Promotion and

Transfer) Rules, 1973. 6. Government | An officer notified as | An officer servants in Basic Pay | appointing authority | designated by the Scale 1 and 2 and| under rule 6 of the, authority in column equivalent. Civil Servants | 3; and

(Appointment,

Promotion and

Transfer) Rules, 1973.

(2) Explanation 1, below the table, shall be omitted.

CHAPTER VI

PAY, ALLOWANCES AND OTHER BENEFITS ( )

PAY, ALLOWANCES AND OTHER BENEFITS

REVISION OF BASIC PAY SCALES, ALLOWANCES AND PENSION OF CIVIL EMPLOYEES OF FEDERAL GOVERNMENT (2005)

The President has been pleased to sanction the revision of Basic Pay Scales, Allowances and Pension w.e.f. Ist July, 2005, for the civil employees of the Federal Government, paid from the civil estimates and from the Defence estimates as detailed in the following paragraphs:-

PART-I BASIC PAY SCALES

Revised Basic Pay Scales

The revised Basic Pay Scales, 2005 shall replace the existing Basic Pay Scales, 2001 as shown in Annex to his O.M.

Fixation of Pay of the existing employees:

(i) The basic pay of an employee in service on 30.6.2005 shall be fixed in the Revised Basic Pay Scale on point to

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point basis i.e. at the stage corresponding to that occupied by him above the minimum of 2001 Basic Pay Scales.

(ii) The corresponding stage for fixation of basics pay in the aforesaid manner in respect of an employee whose pay was fixed beyond the maximum of the relevant scale as a result of discontinuation of move over policy under the 2001 Basic Pay Scales scheme shall be determined on notional extension basis i.e. by treating the amount of personal pay drawn by him on 30" June, 2005, as part of his basic pay scale and the amount beyond the maximum of the prescribed stage in the revised Basic Pay Scales shall be allowed as personal pay.

Annual Increment:

Annual increment shall continue to be admissible subject to the existing conditions, on Ist of December each year.

PART-II - ALLOWANCES

Special Additional Allowance: Special Additional Allowance shall continue to be admissible at frozen level on exiting

conditions.

Special Relief Allowance and Adhoc Relief: Special Relief Allowance and Adhoc Relief sanctioned w.e.f. 1.7.2003 and

1.7.2004 respectively shall stand frozen at the level of their admissibility as on 30.6.2005 and the amount shall continue to be admissible to the entitled recipients until further orders but will cease to be admissible to new servants joining Government service on or after 1.7.2005 as well as to those employees to whom it was ceased to be admissible under the existing conditions.

House Rent Allowance:

11

House Rent Allowance shall be admissible' with reference to the Revised Basic Pay Scales, 2005 subject to the existing conditions.

Medical Allowances:

Medical Allowance shall be admissible @ Rs.425/- p.m. subject to the existing conditions.

Conveyance Allowance:

(a) Conveyance Allowance shall be admissible on revised rates as follows:

BPS RATES (RS.PM) BPS 1-4 340 BPS 5-10 460 BPS 11-15 680 BPS 16-20 1240

(b) Conveyance Allowance 2 Rs.1240/- per month shall also be admissible to those BPS 21 & 22 officers who are not sanctioned official vehicle.

Other Special Pays/Special_ Allowances:

The rates of Special Pays and Special Allowances shall be revised as detailed below:-

(i) Entertainment Allowance

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Existing Revised BPS-19 Nil Rs.500/- P.M. BPS-20 Rs.450/- P.M. Rs.600/- P.M. BPS-21 Rs.525/- P.M. Rs.700/- P.M. BPS-22 Rs.725/- P.M. Rs.975/- P.M.

(ii) Daily Allowance

EXISTING REVISED

ORDINARY SPECIAL ORDINARY SPECIAL BPS 1-4 80/- 110/- 125/- 200/- BPS 5-11 100/- 120/- 155/- 220/- BPS 12-16 180/- 200/- 280/- 365/- BPS 17-18 320/- 350/- 500/- 640/- BPS 19-20 400/- 450/- 625/- 825/- BPS 21-22 450/- 550/- 700/- 1000/-

Presently special rates are allowed at 15 specified stations/cities. The Special rates ahll also be allowed at Muzaffarabad & Mirpur AJ&K.

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(iii) Transportation/Mileage Allowance

EXISTING REVISED Transportation i) Motor Car Rs.1.20/- per k.m. Rs.2/- per k.m. ii) Motor Cycle/Scooter Rs.0.40/- per k.m. Rs.1/- per k.m. Mileage Allowance i) Personal Car/Taxi Rs.3/- per k.m. Rs.5/- per k.m. ii) Motor Cycle/Scooter Rs.1/- per k.m. Rs.2/- per k.m. iit) Bicycle/Animal Rs.0.75/- per k.m. Rs.1/- per k.m. back/foot iv) Public Transport Rs.0.30/- per k.m. (BPS-6 and Rs.1/- per k.m. below). Rs.0.50/- per k.m. (BPS 7 and Rs.1/- per k.m. above)

Travel by Air | Govt. servants in BPS-17 and those | Govt. servants in BPS-17 in receipt of pay of Rs.5400/- and and above. above.

Carriage of Personal Paisa 0.148 per k.m. per k.g. (or Rs.0.008 per k.m. per k.g. effects on 2.96 paisa per k.m. per unit of 20 Transfer/Retirement k.gs)

(iv) Qualification Pay

EXISTING REVISED SAS Accountant Rs.200/- P.M. Rs.400/- P.M. Part-III(ICMA/ICWA) Rs.300/- P.M. Rs.400/- P.M. ICMANCWA Rs.800/- P.M. Rs.1200/- P.M. Chartered Accountant Rs.800/- P.M. Rs.1300/- P.M. Staff College/NDC Rs.750/- P.M. Rs.1000/- P.M. Advanced Course in NIPA Rs.200/- P.M. Rs.500/- P.M.

(v) Senior Post Allowance

14

EXISTING REVISED BPS-20 Rs.850/- P.M. Rs.1100/- P.M. BPS-21 Rs.925/- P.M. Rs.1200/- P.M. BPS-22 Rs.1200/- P.M. Rs.1600/- P.M.

(vi) Deputation/Addl. Charge Allowance/Special Pay on Current Charge

EXISTING

REVISED

Deputation Allowance/Special

@ 20% of the minimum of Basic Pay/Basic Pay subject to maximum

@ 20% of the Basic Pay subject to maximum of

Allowance on Additional of Rs.2000/- p.m. Rs.6000/- p.m. Charge/Special Pay on Current Charge (vii) Uniform Allowance EXISTING REVISED Nurses upto BPS-16 Rs.150/- P.M. Rs.300/- P.M. (viii) Anti Terrorist Squad Allowance EXISTING REVISED Upto BPS-15 Rs.150/- P.M. Rs.300/- P.M. BPS-16 Rs.200/- P.M. Rs.400/- P.M. BPS-17 Rs.250/- P.M. Rs.500/- P.M. BPS-18 Rs.300/- P.M. Rs.600/- P.M.

(ix)

PSP Uniform Allowance

15

EXISTING

REVISED

Rs.250/- P.

M. Rs.1200/- P.M.

(x) Night Duty Allowance EXISTING REVISED For Assistants/Clerks Rs.8/- per nith Rs.10/- per night Drivers/DRs Rs.4/- per night Rs.5/- per night Naib Quasids Rs.3.50 per night Rs.5/- per night (xi) Special Pay to PSs/PAs EXISTING REVISED PS to Minister Rs.375/- P.M. Rs.500/- P.M. PS to Secretary Rs.300/- P.M. Rs.400/- P.M. PS to Additional Secretary Rs.225/- P.M. Rs.300/- P.M. PA to Rs.150/- Rs.200/- Minister/Secretary/Additional Secretary/Senior. Joint Secretary PA to Joint Secretary Rs.120/- P.M. Rs.160/- P.M.

(xii) Instructional Allowance

EXISTING

REVISED

20% of the Basic Pay subject to maximum of Rs.2000/- per month.

(i) 20% of the Basic Pay subject to maximum of Rs.5000/- per month to those Instructors imparting in service training to BPS 17 and above officers.

(ii) 20% of the Basic Pay subject to maximum of Rs.3000/- per month to those Instructors imparting in service training to employees upto BPS-16.

(xiii) | Washing Allowance of Police Forrce

16

EXISTING

REVISED

Rs.50/- p.m

Rs.100/-

(xiv)

Contingent Allowances

The following four contingent allowances admissible to Naib Quasids, Quasids and Daftaries shall stand discontinued and in lieu thereof such entitled categories shall be allowed a new allowance called as Integrated Allowance @ Rs.150/- p.m. w.e.f. 1.7.2005:-

EXISTING REVISED

i) Washing Allowance Rs.30/- p.m. Integrated Allowance

ii) Dusting Allowance Rs.20/- p.m. Rs.150/- p.m.

iii) Drinking Water Allowance Rs.20/- p.m.

iv) Dress Allowance Rs.35/- p.m.

The following

9 Allowances in respect of Civil

Government employees shall stand abolished under this scheme:-

NAME OF ALLOWANCE

PRESENT RATE

(i) Cash Handling Allowance

Rs.25/- to Rs.60/- P.M.

(ii) Outfit Allowance

Rs.500/- (On posting abroad)

(iii) Furniture Cloth Allowance

Rs.125/- P.M. (Office of Secretary, National Security Council).

(iv) Telecom Allowance Rs.150/- P.M. (v) Good Conduct Pay Rs.45/- P.M. (vi) Copier/Photostat Allowance | Rs.5/- P.M.

(vil) Telephone Allowance

Rs.20/- P.M. d(Admissible to Staff of ASF)

(vili) Statistic Allowance

Rs.30/- P.M. (Admissible to Lithographic Operators)

(ix) Gilgit Compensatory Allowance

Rs.450/- P.M.

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PART-II] PENSION

Commutation shall be admissible upto a maximum of 35% of Gross Pension, at the option of the pensioner. Admissibility of monthly pension shall be increased from the existing 60% to 65% of Gross Pension.

An increase @ 10% shall be allowed on the amount of pension being drawn by the existing pensioners as well as to those Government servants who would draw pension under the Revised Basic Pay Scales, 2005.

The increases allowed on pension @ 15% and 8% w.e.f. 01.7.2003 and 01.07.2004 respectively shall not be admissible to the Government servants who would drawn pension under the revised Basic Pay Scales, 2005.

Option

(a) The Ministry/Division/Department/Office to which an employee belongs and/or on whose pay roll he is borne shall obtain an option in writing from such employee within 60 days commencing from the date of issue of this Office Memorandum and communicate it to the concerned Accounts Office/DDO, as the case may be either to continue to draw salary in the existing Basic Pay Scales in which he is already drawing or in the Revised Basic Pay Scales and pension/commutation scheme, 2005 as specified in this O.M. Option once exercised shall be final.

(b) An existing employee as aforesaid, who does not exercise and communicate such an option within the specified time limit, shall be deemed to have opted to continue to draw salary in the Basic Pay Scales and Pension/Commutation Scheme applicable to him as on 30.06.2005.

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All existing rules/orders on the subject shall be deemed to have been modified to the extent indicated above. All existing rules/orders not so modified shall continue to be in force under this scheme.

Anomalies: An Anomaly Committee shall be set up in the Finance Division (Regulation Wing) to resolve the anomalies if any, arising in the implementation of this Office Memorandum.

[Authority: Finance Division(Regulation Wing)'s O.M.No.F.1(1)lmp/2005, dated 01.07.2005].

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ANNEX TO FINANCE DIVISION'S O.M.NO.F.1(1)/IMP/2005, DATED IST JULY, 2005

BPS	MIN	INCR	MAX	STAGES	MIN	INCR	MAX	STAGES
1	1870	55	3520	30	2150	65	4100	30
2	1815	65	3865	30	2200	75	4450	30
3	1980	75	4230	30	2275	85	4825	30
4	2040	85	4590	30	2345	100	5345	30
5	2100	100	5100	30	2415	115	5865	30
6	2160	110	5460	30	2485	125	6235	30
7	2220	120	5820	30	2555	140	6755	30
8	2310	130	6210	30	2655	150	7155	30
9	2410	145	6760	30	2770	165	7720	30
10	2490	160	7290	30	2865	185	8415	30
11	2590	175	7840	30	2980	200	8980	30
12	2745	195	8595	30	3155	225	9905	30
13	2925	215	9375	30	3365	245	10715	30
14	3100	240	10300	30	3565	275	11815	30
15	3285	265	11235	30	3780	305	12930	30
16	3805	295	12655	30	4375	340	14575	30
17	6210	465	15510	20	7140	535	17840	20
18	8135	585	19835	20	9355	675	22855	20
19	12400	615	24700	20	14260	705	28360	20
20	14710	950	28010	14	16915	1095	32245	14
21	16305	1070	31285	14	18750	1230	35970	14
22	17440	1250	34940	14	20055	1440	40215	14

Revision of Basic Pay Scales and Fringe Benefits of Civil Employees (B 1-22) of the Federal Government

(1994) SI. No. 1

The President has been pleased to sanction the revision of Basic Pay Scales for the civil employees of the Federal Government B 1-22, paid directly from the Civil Estimates and/or from the Defence Estimates as detailed in the following paragraphs.

2. Basic Pay Scales.- The existing and the revised pay scales are detailed in the Annexure to this O.M. The revised pay scales shall replace the existing pay scales, 1991, in respect of those employees who give option for these pay scales, in terms of para 6 (b) and shall be effective from the first of June, 1994.

3. Initial Fixation of Pay.- The initial fixation of pay of the employees who have been in Government service since before the Ist June, 1994, shall be effected w.e.f, 1-6-1994, as below:-

(i) | Employees in BPS 1 to 16.- By allowing an increase at the rate of 35% of the pay actually drawn on ~—_ 31-5- 1994, the pay of the employees will be fixed at the stage equal to or if there be no stage, at the stage next above.

(it) | Employees in BPS-17 and above.- Initial fixation of pay shall be made by allowing 35% increase on the pay actually drawn on 31-5-1994, in the following two

phases:-

(a)

(b)

(C)

(d)

20% of the increase shall be allowed w.e.f. 1-6- 1994 by fixing pay in the relevant scale at the stage equal to or if there be no stage, at the stage next above.

The remaining 15% increase shall be allowed on and from 1-6-1995 by refixing pay in the relevant pay scale on 1-6-1994 by allowing 35% increase over pay drawn on 31-5-1994. The new pay so fixed will be drawn from 1-6-1995 without any arrears.

The annual increment shall continue to be admissible subject to the existing conditions on the 1st of December each year.

The ad hoc increase allowed as detailed below shall cease to be admissible from 1-6-1994:

(i) Ad hoc relief of Rs.100 p.m. sanctioned vide Finance Division's O.M.No.F.1(26)- Imp.II/92 (i) dated 20-7-1992 and No.F.1(26)-Imp.1I/92, dated 16-9-1992.

(ii) | Additional ad hoc relief of Rs.100 p.m. sanctioned vide O.M. No.F.1 (28)- Imp/93 (i) (ii) (ii) dated = 21-8-1993.

(iii) | Additional ad hoc relief of Rs.50 p.m. sanctioned vide O.M. No.F.1 (9)-Imp/94, dated 26th March, 1994.

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4. Fixation of Pay.- In cases of promotion from a lower to higher post/scale before introduction of these scales, the pay of the employees concerned in the revised scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post/scale had taken place after the introduction of these scales.

5. Allowances:

(i)

(il)

Secretariat allowance.- With the introduction of new scales of pay, the Secretariat Allowance is abolished w.e.f 1-6-1994 and the amount actually drawn on 31-5- 1994 will be converted into Personal Allowance. Such Personal Allowance in case of Government employees in BPS 17-22 shall be reduced by the amount of annual increments, by which the Government employee's pay may be increased after 1-6-1994, and shall cease as soon as his pay is increased by an amount equal to/or more than his Personal Allowance. Those in BPS 1-16 will be exempted from this adjustment to the extent that their Personal Allowance will not be reduced/ adjusted.

Other Allowances, Special Pays etc.- Special Pays and other allowances including House Rent Allowance will be maintained at the level drawn/ admissible at the rates as on 31st May, 1994.

6. Option:

(a)

All existing Government employees are given option either to draw the existing pay scales plus Secretariat

(b)

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Allowance or the new pay scales plus Personal Allowance in the manner as at 5 (i) above. Option to retain existing scale with Secretariat Allowance must, however, be given in writing by the employees concerned to the Audit Office/ Drawing and Disbursing Officer concerned by the 15th July, 1994. Option once exercised shall be final.

An existing Government employee who does not exercise and communicate such option within the prescribed time limit, shall be deemed to have opted to be governed by the new scales and abolition of Secretariat Allowance.

7. Pension & Retirement Benefits.- In the case of persons retiring from 1-6-1994 onwards in BPS-17 to 22, pension will be recalculated on 1-6-1995 on the basis of pay refixed with 35% increase in the pay in the second phase. New pension will, however, be admissible from 1-6-1995 and no arrears will be admissible.

8. The following relief to the widows, dependents, retarded and incapacitated children and invalid pensioners shall be allowed w.e.f 1st June, 1994.

(a)

(b)

(c)

Restoration of commuted value/gratuity portion of families on completion of required period.

Grant of family pension to dependent disabled/ retarded children for life without any age limit.

Elimination of second medical board for the invalidated pensioners for eligibility of commutation.

9. Government servants who have retired on or after 1-6-

8

1993, till the introduction of revised pay scales i.e. 1-6-1994, be allowed pension/commutation on the basis of pay that would have been admissible to them, had the pay revision been effected on the date of their retirement, discounted by 12%.

10. All existing rules and orders on the subject shall be deemed to have been modified to the extent indicated above. All existing rules and orders not so modified shall continue in force under this scheme.

11. Anomalies.- A Committee will be set up in the Finance Division (Regulations Wing) to resolve the anomalies , if any, arising out of the issue of this order.

[Authority.- Finance Division O.M. No.1(2)-Imp/94(i), dated 15-6-1994].

Annexure

EXISTING AND REVISED PAY SCALES

BPS Existing Pay Scales Revised Pay Scales

No. 1-6-1991 Stages 1-6-1994 Stages Bi 900-26-1310 (15) 1245-35-1770 (15) B2 905-32-1425 (15) 1275-44-1935 (15) B 3 975-37-1530 (15) 1320-50-2070 (15) B4 1005-43-1650 (15) 1360-58-2230 (15) B5 1035-

49-1770 (15) 1400-66-2390 (15) B6 1065-54-1875 (15) 1440-73-2535 (15) B7 1095-60-1995 (15) 1480-81-2695 (15) B 8 1140-65-2115 (15) 1540-88-2860 (15) BQ 1185-72-2265 (15) 1605-97-3060 (15) B10 1230-79-2415 (15) 1660-107-3265 (15) Bil 1275-86-2565 (15) 1725-116-3465 (15)

B12 1355-96-2795 (15) 1830-130-3780 (15)

B13 1440-107-3045 (15) 1950-144-4110 (15) B14 1530-119-3315 (15) 2065-161-4480 (15) B15 1620-131-3585 (15) 2190-177-4845 (15) B16 1875-146-4065 (15) 2535-197-5490 (15) B17 2870-215-5450 (12) 3880-290-7360 (12) B18 3765-271-6475 (10) 5085-366-8745 (10) B19 5740-285-8590 (10) 7150-385-11600 (10) B 20 6810-325-10060 (10) 9195-440-13595 (10) B21 7535-405-11585 (10) 10190-545-15640 (10) B22 8075-450-12575 (10) 10900-610-17000 (10)

Revision of Basic Pay

Scales and Fringe Benefits

of Civil Employees-Contingent Establishment Working on Regular Basis

SI. No. 2

It has been decided that the revised basic pay scales of civil employees of the Federal Government (1994) as introduced under the Finance Division's Office Memorandum No.F.1(2)-Imp/94 (i) dated 15th June, 1994, would be applicable to all the contingent paid staff in BPS-1 to BPS-4- employed/to be employed’ in_ the Ministries/Departments on and after 1-6-1994 alongwith the fringe benefits, wherever applicable, as provided therein.

[Authority.- Finance Division O.M. No.2(2)R.1/94, dated 14-9-1994].

Grant of Special Additional Allowance

SI. No. 3

The President has been pleased to allow Special Additional Allowance to civilian employees of the Federal Government including

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civilians paid from Defence Estimates with effect from ist July, 1999 and till further orders, as under:

BPS 1-16 25% of the minimum of relevant pay scale. BPS 17-22 20% of the minimum of relevant pay scale.

2. This Allowance will be regulated as under:

a) b)

Cc)

d)

e)

It will not be subject to Income Tax.

It will be admissible during leave and entire period of leave preparatory to retirement except during extraordinary leave.

It will not be treated as part of emoluments for the purposes of calculation of pension and recovery of house rent.

It will not be admissible to the employees posted/deputed abroad from the country.

It will be admissible during the period of Suspension.

3. The revision in special pays and allowances in case of officers and personnel of the Armed Forces was allowed with effect from 1st February, 1999.

[Authority.- Finance Division O.M. No.F.1(7)lmp/99, dated 23-7-1999].

Scheme of Basic Pay Scales and Fringe Benefits of Civil Employees of the Federal Government (1983)

SI. No. 4

The President has been pleased to sanction, with effect from

1st July, 1983, a Scheme, as detailed below, of the Basic Pay Scales, Allowances and other Fringe Benefits, 1983, for the civil employees of the Federal Government, paid directly from the Civil Estimates or from the Defence Estimates.

PART |.- BASIC SCALES AND ALLIED MATTERS

2. Basic Scales of Pay.- The Basic Scales of Pay, 1983, as shown in the Schedule (Annexure-l) shall replace the existing Revised National Scales of Pay (RNPS). The Basic Scales shall not be regarded as "grades" and shall not be referred to as grades in official communications. Officials shall henceforth be appointed/promoted to posts and not in grades.

3. Initial Fixation of Pay.- (i) The initial pay of an existing employee, /.e. an employee who has been in Government service since before the ist of July, 1983, shall be fixed at the stage in the relevant Basic Pay Scale which is as many stages above the minimum as the stage occupied by him above the minimum of the existing Revised National Pay Scale, provided that where the pay so determined does not give the employee concerned a minimum advantage of 10% of his existing basic pay plus dearness allowance over and above the present emoluments drawn by him, his pay shall be fixed at the lowest stage in the Basic Scale that gives him that advantage, provided further that the maximum of the relevant Basic Scale shall not be exceeded in any case. In this fixation formula, "emoluments" would mean the sum of pay, Dearness Allowance and Local Compensatory Allowance, if any.

(it) Annual increment shall continue to be admissible subject to existing conditions on the 1st of December each year under this Scheme. However, the first annual increment of existing employees in the Basic Scales shall accrue on the 1st of December, 1983.

4. Fixation of Pay on Promotion.- The existing provisions regulating the fixation of pay in case of promotion of employees from a lower to a higher post shall continue to apply.

5. Move-over.- The existing provisions regulating the concession of move-over without promotion to the next higher pay scale of employees in RNPS-1 (B-1) to RNPS-16 (B-16) shall continue to be applicable in this Scheme.

6. The existing concession of “move-over' of employees from RNPS-16 (B-16) to RNPS-17 (B-17) and RNPS-17 (B-17) to RNPS-18 (B-18) shall be extended upto B-20 and regulated as under:

(a) The existing condition of the period of stay of three years at the maximum of pay scales B-16 and B-17 in the case of non-technical and _ non-professional categories shall continue to be applicable.

(b) No move-over beyond B-18 in the case of the categories of employees mentioned at (a) above shall be permissible.

(c) The move-over in the case of technical and professional categories e.g. Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Archaeologists, Geologists, Meteorologists, Experts of

Agriculture, Animal Husbandry and Forestry shall be permissible upto B-20, without the condition of stay at the maximum for three years.

(d) Move-over shall be allowed in cases where an employee, who is otherwise considered fit for promotion to higher post, cannot be promoted for want of a

vacancy.

(e) Normal promotion procedure as is observed in cases of promotion through the competent authority, e.g. Establishment Division/Selection Board shall be followed in allowing move-over to Basic Scales 19 and 20.

7. (A) Modification of Scales in Case of Certain Posts.- (a) In the case of certain posts, the Basic Pay Scales indicated in Annexure-Il to this O.M. will be allowed.

(6) In the case of posts of artisans, such as Carpenters, Welders, etc., and Store-keepers and Assistant Store-keepers, which require different level of expertise and responsibilities in different organizations, appropriate Basic Pay Scales may, with the approval of the competent authority, be allowed in different organizations or even in the same organisation while taking into account the market value of such artisans and their level of competence.

(c) In specially meritorious cases, Basic Scale B-21 or B-22 alongwith allowances and fringe benefits may be allowed, with the approval of the President, to technical and professional officers without requiring them to move from their technical posts where their expertise is particularly needed. The number of such beneficiaries will not exceed 12.5% of the total number of posts in B-20 in any particular cadre under the Federal or Provincial Government.

(d) In cases where it is necessary for Government to recruit and/or to continue in employment certain officials who have acquired expertise in a highly specialized field, special contract terms may be offered to such ‘narrow-narrow specialists’. For this purpose, a Special Standing Committee shall be constituted by Government to

deal with such cases. The Standing Committee shall take into account the market value of the ‘narrow-narrow specialists’ and recommend proper remunerations to engage or to retain their services.

(B) Fixation of Pay in Cases Under (A) Above.- In cases where the Basic Scales under (A) above higher than the scale which corresponds to the revised NPS has been allowed, initial fixation of pay of the employees concerned shall first be made in the Basic Scale corresponding to his existing RNPS in the light of the initial fixation of pay formula mentioned in para 3 above, and thereafter their pays in the higher Basic Scales shall be fixed at the next higher stage.

8. [Special Pays.- (a) The existing special pays admissible to Officials of various categories working as Private Secretaries, Personal Assistants and to those handling cash in government organizations has been revised as under w.e.f. 1.6.1991:-

Name of Post Rs.(p.m.) PS to Ministers (Federal) 375 PS to Secretaries (Federal) 300 PS to Additional Secretaries(Federal) 225 PA to Ministers (Federal) 150 PA to Ministers of State 150 PA to Secretaries (Federal) 150 PA to Addl. Secretaries (Federal) 150 PA to Secretaries (Provincial) 120 PA to Joint Secretaries (Federal) 120 Confidential Assistants posted in 65]

Ministries/Divisions. (b) [omitted]

“[(c) It has been decided to allow the Special Pay at the prescribed rates to all the Personal Assistants attached with officers in

BPS-20 and above of the Federal Government provided that such incumbents are also otherwise eligible to be appointed as such

“Revised vide Finance Division O.M. No.F.1(12)lmp-ll/91, dated 29-6-1991 and 19-8-1991 respectively. “Added vide Finance Division O.M. No.F.2(1)R-3/94, dated 17-9-1995.

under the recruitment rules of their posts].

Rs. ‘[(d) i) Government servants handling cash 25 between Rs.1000/- to Rs.10,000/- p.m. il) Government servants handling cash 30 between Rs.10,001/- to Rs.15,000/- p.m. iil) Government servants handling cash So Rs.15,001/- to Rs.25,000/- p.m. iv) | Government servants handling cash 40 between Rs.25,001/- to 35,000/- p.m. v) | Government servants handling cash 60]

beyond Rs.35,000/- per month.

“[(e) "Special Allowance" of Rs.100/- admissible to the Assistants-in-Charge will be changed to "Special Pay" with effect from 13-2-1991, under F.R.9(21) and reckoned as part of emoluments for pension].

PART II.-ALLOWANCES

(i) Dearness Allowance, Local Compensatory Allowance and Leave Travel Concession and Rest and Recreation

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Allowance.- As from the 1st of July, 1983, the existing Dearness Allowance, Local Compensatory Allowance wherever admissible, and the Leave Travel Concession and Rest and Recreation Allowance in lieu thereof, shall cease to be admissible to an employee who draws pay in these Basic Pay Scales.

“Added vide Finance Division O.M. No.F.1(12)-Imp-1I/91, dated 29-6-1991. “Added vide Finance Division O.M. No.F.1(18)-Imp-II/87, dated 19-2-1991.

(ii) The existing rules and orders regulating the grant of House Rent Allowance, Conveyance Allowance and Washing Allowance shall continue to be applicable.

9. Entertainment Allowance.- Entertainment Allowance shall be admissible at the following fixed rates to officers drawing pay in B-20 to B-22:-

(1) 3rd 0 eee ere Rs. 400 p.m. (2) Bea Z Mt ater vieccess Rs. 450 p.m. (3) Ba22 use wean Rs. 650 p.m.

10. Non-Practicing Allowance.- The existing rates of Non-Practicing Allowance shall be revised as under:-

Doctors drawing pay inB-17 and B-18 __..... Rs.500 p.m.

Doctors drawing pay in B-19 and above __...... Rs.700 p.m.

The above Non-Practicing Allowance shall be admissible in all cases where a doctor is not allowed private practice.

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Doctors posted in rural areas below Town Committee level, and allowed private practice, shall be given a Practice Compensatory Allowance at the rate of [Rs.1200 p.m.] for male doctors and at the rate of ‘[Rs.1500 p.m.] for female doctors.

11. Teaching Allowance.- Teaching Allowance at the rate of [Rs.200 p.m.] shall be allowed to qualified High School Teachers who teach basic/natural sciences.

Junior Instructors in Polytechnic who possess Technical Teachers Diploma shall be allowed Teaching Allowance at the rate of [Rs.200 p.m.]

“Revised vide Finance Division O.M. No.F.1(12)Imp-l/91, dated 19-8-1991.

Doctors who teach basic sciences in Medical Colleges shall be allowed a Teaching Allowance at the rate of [Rs.1000 p.m.]

12. Charge Allowance.- Charge Allowance to Principals of Colleges and Polytechnic shall be admissible at the following rates:-

(a) Principals of Degree Colleges/ Colleges of Technology. -Rs.200 pm.

(b) Principals of Intermediate Colleges/Polytechnic. - Rs.100 pm.

13. Warden Allowance.- Teachers who are assigned the duty of Hostel Wardens in Colleges and Polytechnic shall be allowed a Warden Allowance of Rs.100 p.m.

14. Advance Increments to School Teachers on Attaining Higher Qualifications.- Primary, Middle and High School teachers who possess or acquire while in service higher qualifications shall be

allowed advance increments as under:-

Primary School:

A teacher who possesses or acquires F.A./F.Sc. shall be allowed two advance increments.

A teacher who (in addition to F.A./F.Sc.) also acquires C.T. shall be allowed one additional advance increment.

A teacher who acquires a degree of B.A./B.Sc. shall be allowed three additional advance increments.

Middle School:

A teacher who possesses or acquires a degree of

“Revised vide Finance Division's O.M. No.F.1(12)-Imp-lI/91, dated 29-6-1991.

B.A./B.Sc. shall be allowed three advance increments. High School:

A teacher who possesses or acquires Master's degree shall be allowed three advance increments. In case of a teacher who possesses or acquires Master's degree in Education (M.Ed) and also a Master's degree in any academic subject shall be allowed six advance increments:

Provided that a teacher who has already drawn increments for possessing higher educational qualifications under the existing scales shall be allowed increments equal to shortfall in the number of increments, if any, between the increments obtained by him and the increments which have now been prescribed.

15. Advance Increments to Technical and Professional Categories on Possessing/Acquiring Higher Qualifications.- Doctors, Engineers, Educationists, Economists, Management Accountant, Scientists, Geologists, Meteorologists, Archaeologists, Experts in Agriculture, Animal Husbandry and Forestry working in Universities, Colleges, Research institutions or technical departments shall be allowed advance increments on possessing/ acquiring higher qualifications as under:-

(i) | In case a technical/professional employee of the above category possesses D.Sc., Ph.D. degree from a foreign university, he shall be allowed six advance increments on entry into service in B-17.

(it) | Those of the above categories of officers who possess M.A./M.Sc./M.S. or equivalent from a foreign university or Ph.D, or M.Phil. from a university in Pakistan will receive four advance increments on induction in service in B-17.

(iii) | Those of the above categories of employees who while in service obtain a degree shall be allowed four advance increments in case of (i) above and two advance increments in case of (ii) above.

16. Design Allowance.- Engineers holding university degree in engineering and working full time in the Design Offices shall be allowed a Design Allowance at the following rates:

Engineers drawing pay in B-17 - Rs.400 pm Engineers drawing

pay in B-18 - Rs.500 pm Engineers drawing pay in B-19 - Rs.600 pm Engineers drawing pay in B-20 - Rs.700 pm

17. Qualification Allowance.- (a) S.A.S. Accountants shall be allowed a Qualification Allowance of Rs. [150 p.m.] on qualifying the S.A.S. or equivalent examination. This allowance shall continue to be admissible as a separate entity even after their promotion to higher posts. “[This allowance shall, however, not be admissible to Accountants or Emergency Cadre or to Audit Assistants who have been or may be promoted as Accountant against the exempted quota].

“[(b) Qualification pay for:-

i) Part-Ill Rs.300/- p.m. (ICMA/ICWA) il) Part-V Rs.800/- p.m. (where it

(ICMA/ICWA)is not minimum qualification prescribed for the post].

“Revised vide Finance Division O.M. No.F.1(12)lmp.1I/91, dated 19-8-1991. “Added vide Finance Division O.M. No.F.1(1)-Imp/83(V), dated 21-9-1983. ™Subs vide Finance Division O.M. No.1(12)Imp-l/91, dated 19-8-1991.

iil) Chartered _Rs.800/- p.m.where FCA/ACA is not Accountants the minimum qualification prescribed for the post.

I(c) Qualifications Pay for Senior Officers.- Qualifications pay shall be allowed from 1-7-1995 to those officers who have

qualified the following courses shown against each:-

(a) PASC National Management Course: Rs.750/- p.m. (6) National Defence College Course: Rs.750/- p.m. (c) Advanced Course in Management

in NIPA: Rs.200/- p.m.

Note.- One Qualification pay will be admissible at a time].

“[18. Performance Evaluation Allowance.- Audit Officers working in the Performance Evaluation Cell will be allowed Performance Evaluation Allowance at the following rates:-

B-17 and B-18 Rs.400/- p.m. B-19 & B-20 Rs.500/- p.m.]

“[19. Research Allowance.- Research Allowance at the rate of 20% of the pay subject to a maximum of Rs.800/- p.m. will be allowed to the employees in BPS-16 and above, deployed exclusively on research work, both field officers and those employed exclusively for the research organizations. This allowance would be admissible to employees of such research organizations which performing purely research work and have been so recognized by the Finance and the Establishment Divisions].

“[20.(a) Deputation Allowance (Foreign Service in Pakistan).- Deputation Allowance @ 20% of the minimum of the relevant basic pay scales shall be allowed w.e.f. 1-6-1991.

“Subs vide Finance Division O.M. No.F7(44)Imp/95, dated 13-7-1995. “Revised vide Finance Division O.M. No. F.I(12)-Imp-ll/91, dated 19-8-1991. “Subs vide Finance Division O.M No F.1(12)Imp-l/91, dated 19-8-1991 as amended vide Finance Division O.M No.F.1(12)/Imp-lI/91, dated 2-10-1991. (6) Special Pay admissible to audit officers on deputation

to Ministries/Divisions.- Special Pay of Rs.200/- p.m. for SAS

Accountants (B-16), Rs.300/- p.m. for AAG/AO in BPS-17 and Rs.400/- p.m. for officers in BPS-18 and 19, Special Pay at the rate of 20% of the minimum of the relevant basic pay scales shall be allowed].

'[Clarification.- Relevant basic pay scales means the basic pay scale of the Government servant in which he is drawing pay either by virtue of move-over or grant of selection grade instead of minimum of scale. This would be applicable w.e.f. 1-6-1991].

“[(c) Allowances for Nursing Cadre.- (i) Messing Allowance: It is admissible to Nursing Cadre (below BPS-16) at the rate of Rs.500/- p.m.

(ii) Uniform Allowance: It is admissible to Nursing cadre (below BPS-16) at the rate of 150/- p.m.

The messing and uniform allowances are also admissible to Nursing Cadre B-16 and above subject to the conditions laid down in Health Division's letter No. F.4-23/94-MF.II (N.E); dated 1-6-1987].

™[(d) Instructional Allowance.- An Instructional Allowance at the rate of 20% of the minimum of the BPS of the officer concerned would be allowed w.e.f. 1st July, 1986 to officers/staff deployed on instructional duties in training institutions functioning as organizations of the Federal Government or as Autonomous/Semi-autonomous institutions & imparting training to Government servants. The allowance would be admissible to the heads of the institutions also. Any other special pay, deputation pay or deputation allowance admissible to the instructional staff, including heads of the institutions, would cease to be admissible from the date of grant of Instructional Allowance].

“Added vide Finance Division O.M Mo.F.2(1)-R-3/92-259, dated 2-6-1992. “Added vide Finance Division O.M No.F.1(12)-Imp.1I/91, dated 29-6-1991 read with O.M.of even number

dated 28-2-1993. ™ Added vide Finance Division O.M No.F.3(17)-R.2/84, dated 1-7-1986.

(21. Daily Allowance.- The daily allowance is a uniform allowance for each day of absence from headquarters and Is intended to cover the ordinary daily charges incurred by a Government servant in consequence of such absence (S.R. 49).

The rates of daily allowance (w.e.f. 28th September, 1994) are as follows:-

Pay Limit Special RatesOrdinary Rates Rs. per day (Rs.) per day (Rs.)

1245 to 2000 80 65 2001 to 3000 100 85 3001 to 4000 120 100 4001 to 5000 145 120 5001 to 6000 175 150 6001 to 7000 215 180 7001 to 8000 260 225 8001 to 9000 300 280 9001 to 10000 350 300 10001 and above 400 350]

Note: Special rate of daily allowance shall be admissible at Hyderabad, Islamabad, Karachi, Lahore, Faisalabad, Multan, Peshawar, Quetta, Rawalpindi, Northern Areas, Bahawalpur, Sargodha, Sialkot, Sukkur and Gujranwala.

PART III.-MISCELLANEOUS

22. House Building Advance.- At present, House Building Advance equal to 24 months pay is allowed to Government servants drawing pay in Basic Scales B-3 and above. This pay limit shall henceforth be raised to 36 months.

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“Subs vide Finance Division O.M. No.F.1(22)-Reg.9/94, dated 28-9-1994.

23. Government servants who do not claim interest on their G.P.Fund balances shall not be charged interest on House Building Advance or other advances as admissible under the rules.

24. Cost of Blood Transfusion.- The cost of blood transfusion is at present reimbursable to the Federal Government servants, but not to the Provincial Government employees. Henceforth the cost of blood transfusion shall be reimbursable to Government servants under the Provincial Governments also.

25. Encashment of LPR.- At present encashment of LPR upto six months is permissible to Government servants provided the LPR is refused by Government in public interest. Henceforth, the option for encashment of LPR shall rest with the Government servant concerned. In case, a Government servant opts not to take LPR he shall be allowed leave salary for the period for which LPR is admissible subject to a maximum of six months.

26. The word "Family" for the purpose of medical treatment shall also include parents of the civil servant residing with and dependent on him.

27. All existing rules and orders on the subject shall be deemed to have been modified to the extent indicated above. All existing rules and orders not so modified shall continue in force under this Scheme.

28. Anomalies.- A Committee will be set up in the Finance Division (Regulations Wing) to resolve the anomalies, if any, arising

2)

out of the introduction of this Scheme. A separate communication will be issued in this connection.

[Authority.- Finance Division O.M. No.I(l)-lmp./83, dated 18-8-1983].

Annexure |

SCHEDULE TO FINANCE DIVISION O.M. No.F.I()-IMP/83, DATED 18.8.1983

BASIC SCALES OF PAY No. National Pay Scales Revised Basic Pay Scales 1 250-5-280/6-340-7-375 B1 440-10-640 2 260-6-302/7-365-8-405 B 2 460-12-700 3 270-7-326/8-390-9-435 B 3 480-14-760 4 280-8-352/9-415-12-475 B 4 500-16-820 5 290-10-350/12-470-14-540 B5 520-18-880 6 315-12-399/14-525-16-605 B 6 540-20-940 7 335-14-447/16-575-18-665 B 7 560-23-1020 8 370-16-514/18-640-22-750 B 8 590-26-1110 9 390-20-590/22-700-24-820 B9 620-29-1200 10 410-22-520/24-760-28-900 B10 660-32-1300 11 430-24-550/28-830-30-980 B11 700-35-1400 12 460-28-600/30-900-32-1060 B12 750-40-1550 13 490-30-790/32-950-35-1125 B13 800-45-1700 14 520-30-730/35-1010-40-1210 B14 850-50-1850 15 550-35-900/40-1100-50-1350 B15 900-55-2200

16 625-40-825/50-1325-60-1625 B16 1050-80-2250

26

900-50-1150/60-1750-100-2250 1350-75-1650/100-2650 2250-100-3050

2600-125-3600

3000-150-4200

3250-200-4850

B17 B18 B19 B 20 B21 B 22

1600-120-3040 2100-150-3600 3200-160-4480 3800-180-5240 4200-225-6000 4500-250-6500

21

Annexure-!!

with JV/PTC). (Rs.315-12-399/

14-525-16-605)

Middle School Teacher (F.A./F.Sc with CT or equivalent).

NPS-8 (Rs.370-16-514- 18-640-22-750)

Physical Training Instructor -do- (Middle Schools) F.A with diploma in Physical Education or equivalent.

Drawing Master (Middle School) -do- F.A with one year training in Drawing or equivalent Professional qualification.

High School Teacher

(B.A/B.Sc. B.Ed).

NPS-14 (Rs.520-30-730/ 35-1010-40-1210)

Physical Training Instructor (High -do- Schools/Comprehensive Schools) B.A

with Senior Diploma in Physical

Name of Post Existing Scale Basic Scale EDUCATIONAL DEPARTMENT Primary School Teacher (Matric NPS-6 B-7

(Rs.560-23-1020) with selection grade equal to 1/3rd posts in B-10 (Rs.660-32-1300).

Physical Training Instructors in Primary Schools may be treated at par with

primary school Teacher

in the matter of pay scale

& Selection Grade.

B-9 (Rs.620-29-1200) with selection grade equal to 1/3rd posts in B-12 (Rs.750-40- 1500).

-do-

-do-

B-15 (Rs.900-55-2000) with selection grade equal to 1/3rd posts in B-17(Rs.1600- 120-3040).

-do-

28

Education. 7. Librarian (High Schools) B.A with -do- -do- Diploma in Library Science. Name of Post Existing Scale Basic Scale 8. Head Masters/Head NPS-17 B-17 (Rs.1600-120-3040) Mistress High Schools (Rs.900-50-1150 with 1/3rd posts -60-1750-100- as selection grade 2250) in B-18 (Rs. 2100- 150-3600) minus promotion posts. 9. Library Assistant NPS-8 B-9 (Rs.370-16-514- (Rs.620-29-1200). 18-640-22-750)

10. Laboratory Assistant NPS-5 B-7 (Rs.290-10-350/ (Rs.560-23-1020) 12-470-14-540) with 1/3rd posts as Selection Grade in B-10 (Rs.660-32- 1300). 11. Junior Inspector Polytechnic NPS-14 B-14

HEALTH SERVICES

2.

Assistant Midwife & Nursing Aid.

Operation Theater Assistant/ Anaesthetist Assistant.

Wardmaster.

(Rs.520-30-730/ 35-1010-40-1210)

NPS-3 (Rs.270-7-326/ 8-390-9-435) NPS-5 (Rs.290-10-350/ 12-470-14-540)

NPS-5 (Rs.290-10-350/ 12-470-14-540)

(Rs.850-50-1850)

with selection grade in B-16 (Rs.1050-80-2250) equal to 1/3rd posts.

B-4 (Rs.500-16-820)

B-6

(Rs.540-20-940)

with selection grade equal to 25% of total posts in scale of Rs. 590-26-1110 (B-8).

B-6

(Rs.540-20-940)

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4. Sanitary Inspector. NPS-6 B-6 (Rs.315-12-399/ (Rs.540-20-940) 14-525-16-605) with 25% of posts as selection grade in B-8 (Rs.590-26-1110). 5. Dispenser. -do- -do- 6. Dresser/Midwife. -do- -do- Name of Post Existing Scale Basic Scale 7. O.T. Technician/ECG/ENT/ NPS-6 B-9 Dental Technician. (Rs.315-12-399/ (Rs.620-29-1200) 14-525-16-605) with 1/3rd posts as selection grade in B-11 (Rs.700-35-1400). 8. Lab. Technician. NPS-9 -do- (Rs.390-20-590/ 22-700-24-820) 9. Blood Bank Technician. NPS-7 -do- (Rs.335-14-447/ 16-575-18-665) 10. Senior Technician. NPS-7 B-9 (Rs.335-14-447/ (Rs.620-29-1200) 16-575-18-665) with 25% of posts as selection grade in B-11 (Rs.700-35- 1400). 11. Lady Health Visitor. NPS-7 (Federal -do-

Government) (Rs.335-14-447/ 16-575-18-665)

NPS-6 (Provincial

Government) (Rs.315-12-339/ 14-525-16-605)

30

12. Medical Technician. NPS-8 (Federal -do- Government) (Rs.370-16-514/ 18-640-22-750) NPS-9 (Provincial Government) (Rs.390-20-590/ 22-700-24-820) 13. Chemical Assistant. NPS-11 B-11 (Rs.430-24-550/ (Rs.700-35-1400) 28-830-30-980) with 25% of total posts as selection grade in (Rs.850-50-1850). 14. Technical Assistant. -do- -do- Name of Post Existing Scale Basic Scale 15. Bact. Assistant. NPS-11 B-16 (Rs.430-24-550/ (Rs.1050-80-2250). 28-830-30-980) 16. General/Charge Nurse. -do- B-14 (Rs.850-50-1850) General Charge Nurse possessing Midwifery Certificate should be allowed two advance increments on initial

induction. 17. Speech Therapist. NPS-14 B-16 (Rs.520-30-730/ (Rs.1050-80-2250) 35-1010-40-1210) 18. Assistant Physiotherapist. NPS-14 This post would

(Rs.520-30-730/

be merged with 25-1010-40-1210)

Physiotherapist and placed in

31

B-16 (Rs.1050-80-2250).

19. Assistant Nursing NPS-16 B-16 Superintendent. (Rs.625-40-825/ (Rs.1050-80-2250) 50-1325-60-1625) plus a special pay of Rs 100 p.m. 20. Nursing Adviser. NPS-18 B-19 (Rs.1350-75- (Rs.3200-160-4480)

1650/100-2650) CENTRAL BOARD OF REVENUE 1. "Preventive Officer. NPS-10 B-11 (Rs.410-22-520/ — (Rs.700-35-1400) 24-760-28-900)

2: Intelligence Officer. -do- -do- 3. Examiner. -do- -do- Income Tax Inspector. -do- B-11

(Rs.700-35-1400)with selection grade equal to 25% of posts in B-14 (Rs 850-50-1850).

"The existing incumbents drawing pay in the upgraded posts of Preventive Officer (NPS-13) and Appraiser/Valuation Officer/Principal Appraisers (NPS-17) will continue to draw pay in the corresponding Basic Scales B-13 and B-17

respectively as personal to them so long they hold these posts.

Name of Post Existing Scale Basic Scale

5. Deputy Supdt. (C&E). NPS-13 B-14 (Rs.490-30-790/ (Rs.850-50-1850). 32-950-35-1125)

6. Senior Intelligence Officer. -do- -do- 7. Inspector Preventive Services. -do- -do- 8. "Valuation Officer/Appraiser. -do- -do- 9. "Principal Appraiser. NPS-16 B-16

(Rs.625-40-825/ (Rs.1050-80-2250) 50-1325-60-1625) POST OFFICE DEPARTMENT 1. Inspector Broadcast Receiver NPS-7 B-9 Licence. (Rs.335-14-447/ (Rs.620-29-1200) 16-575-18-665) 2: Town Inspector. -do- -do-

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STATISTICS DIVISION & COMPUTER BUREAU

1. Key Punch Verifying Operator/ (Statistics B-10 Machine Operator. Division) NPS-7 (Rs.660-32-1300) (Rs.335-14-447/ 16-575-18-665)

(Computer Bureau) -do- NPS-9

(Rs.390-20-590/

22-700-24-820)

2: Asstt.Supervisor/Machine NPS-11 B-12 Operator (Statistics (Rs.430-24-550/ (Rs.750-40-1550) Division). 28-830-980)

3. Supervisor (Statistics Division). NPS-12 B-14

(Rs.460-28-600/ (Rs.850-50-1850) 30-900-32-1060) 4. Data Processing Asstt/Console -do- B-16 Operator (Statistics Division). (Rs.1050-80-2250)

‘The existing incumbents drawing pay in the upgraded posts of Preventive Officer (NPS-13) and Appraiser/Valuation Officer/Principal Appraisers (NPS-17) will continue to draw pay in the corresponding Basic Scales B-13 and B-17 respectively as personal to them so long they hold these posts.

Name of Post Existing Scale Basic Scale 5. Data Processing Officer NPS-16 B-17 (Statistics Division). (Rs.625-40-825/ (Rs.1600-120-3040) 50-1325-60-1625) 6. System Analyst/Programmer NPS-17 B-17 (Statistics Division). (Rs.900-50-1150/ (Rs. 1600-120-3040) 60-1750-100-2250) plus Special Allowance Rs. 200 pm. 7. Assistant Programmer NPS-17 -do- (Computer Bureau). (Rs.900-50-1150/

60-1750-100-2250)

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plus special pay Rs.100 pm

PROVINCIAL GOVERNMENTS

IRRIGATION/FORESTS/AGRICULTURE/ANIMAL HUSBANDRY/COOPERATIVES DEPARTMENT

1. Field Assistant.

2. Stock Asstt/Poultry Supervisor/

NPS-5 Rs.290-10-350/ 12-470-14-540)

-do-

Poultry Asstt/Sheep Development

Asstt/Laboratory Assistant. 3. Veterinary Compounder.

4. Junior Research Assistant Sindh Government.

5. Senior Research Assistant Sindh Government.

6. Draftsman.

-do-

NPS-8 (Rs.370-16-514/ 18-640-22-750) NPS-11 (Rs.430-24-550/ 28-830-30-980) NPS-8 (Rs.370-16-514/ 18-640-22-750)

B-6 (Rs. 540-20-940) with 1/3rd of total posts as selection grade in B-9 (Rs.620-29-1200). -do-

B-6

(Rs.540-20-940)

with 1/3rd of total posts as selection grade in B-8 (Rs.590-26-

1110).

B-16

(Rs.1050-80-2250)

-do-

B-11 (Rs.700-35-1400)

Name of Post Existing Scale Basic Scale 7. Inspector Cooperatives. NPS-10 B-11 (Rs.410-22-520/ (Rs.700-35-1400) 24-760-28-900) 8. Zilledar. NPS-10 B-14

9. Reclamation Supervisor

(Rs.410-22-520/ 24-760-28-900) NPS-11

(Rs.850-50-1850)

B-17

(Sindh).

POLICE DEPARTMENT

3. Assistant Sub Inspector.

1. Foot Constable. 2. Head Constable. 4.

5. Inspector.

Sub-Inspector.

34

(Rs.430-24-550/ 28-830-30-980)

NPS-2 (Rs.260-6-302/ 7-365-8-405) NPS-3 (Rs.270-7-326/ 8-390-9-435)

NPS-5 (Rs.290-10-350/ 12-14-540)

NPS-7 (Rs.335-14-447/ 16-575-18-665) NPS-11 (Rs.430-24-550/ 28-830-30-980)

(Rs.1600-120-3040)

in all Provinces subject to the condition that the incumbents possess _ the minimum qualifi-cation of M.Sc (Agriculture).

B-2 (Rs.460-12-700)

B-3

(Rs.480-14-760)

with 30% posts as selection grade in B-5 (Rs.520-18-880). Those Constables and Head Constables who are Matriculate

at the time of recruitment or acquire Matriculation certificate while

in service may be allowed five

advance increments. Ration

Allowance to the lower police

personnel shall be allowed at rates admissible to equivalent

categories of Civil Armed

Forces.

B-5

(Rs.520-18-880)

with 1/3rd posts as Selection Grade in B- 7 (Rs.560-23-1020).

B-11

(Rs.700-35-1400)

with Graduation as minimum qualification B-14

(Rs.850-50-1850).

Name of Post

Existing Scale

Basic Scale

6. Prosecuting Sub-Inspector.

7. Prosecuting Inspector.

REVENUE DEPARTMENT 1. Kanungo/Girdawar.

2. Naib Tehsildar/District Kanungo/District Accountant.

3. Treasury Officer.

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NPS-7 (Rs.335-14-447/ 16-575-18-665)

NPS-11 (Rs.430-24-550/ 28-830-30-980)

NPS-6 (Rs.315-12-399/ 14-525-16-605) NPS-9 (Rs.390-20-590/ 22-700-24-820) NPS-17 (Rs.900-50-1150/ 60-1750-100-2250)

GOVERNMENT DEPARTMENTS AND ORGANIZATIONS

1. Stenotypist.

2: Stenographer.

NPS-8 Rs.370-16-514/ 18-640-22-750 NPS-11 (Rs.430-24-550/ 28-830-30-980)

B-11 (Rs.700-35-1400). Those who possess Law Degree, five advance increments may be allowed. B-14 (Rs.850-50-1850).

B-9 (Rs.620-29-1200)

B-14 (Rs.850-50-1850)

B-17 Rs.1600-120-3040 with 1/3rd of posts as selection grade in B-18 (Rs.2100-150-3600).

B-12 (Rs.750-40-1550)

B-15

(Rs.900-55-2000) with 25% posts as selection grade in B-16 (Rs.1050-80-2250).

Revision of Basic Pay Scales

of Civil Employees of the

Federal Government (1987)

SI. No. 5

The President has been pleased to sanction the revision of Basic Pay Scales for the civil employees of the Federal Government paid directly from the Civil Estimates and/or from the Defence Estimates as detailed in the following paragraphs.

2. Basic Pay Scales.- The new scales, as shown in the Annexure to this O.M. shall replace the Basic Pay Scales, 1983 and shall be effective from the First of July,1987.

3. Initial fixation of Pay.- (i) The initial pay of an existing employee who has been in Government service since before the 1st of July, 1987, shall be fixed on "Point to Point basis" i.e. at the stage in the relevant Basic Pay Scale which is as many stages above the minimum as the stage occupied by him above the minimum of existing Basic Pay Scale.

(it) The annual increment shall continue to be admissible subject to the existing conditions on the First of December each year. However, the first annual increment to the existing employees in the Basic Pay Scales shall accrue on the 1st December, 1987.

(iii) The existing Indexed Pay sanctioned vide Finance Division's O.M.No.1(9)Imp.1I/86, dated 1-7-1986 shall cease to be admissible with effect from First of July,1987.

(iv) The interim relief of Rs. 20 p.m sanctioned vide this Division's O.M. No.F.7(1)R-5/87, dated the 24th March, 1987, to the low paid employees, shall cease to be admissible with effect from the 1st July, 1987.

(v) In cases of promotions from a lower to a higher post/scale before the introduction of these scales, the pay of the senior employee in the same scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to

him if his promotion to the higher post/scale had taken place after the introduction these scales.

[Authority.- Finance Division O.M No.1/7/Imp.1I/87, dated 1-7-1987].

ANNEXURE TO THE FINANCE DIVISION'S O.M. NO.F.1/7/IMP.II/87, DATED 1-7-1987

B.P.S	Existing Scales	Revised Scales
1	440-10-640	600-13-860
2	460-12-700	625-16-945
3	480-14-760	650-19-1030
4	500-16-820	675-22-1115
5	520-18-880	700-25-1200
6	540-20-940	725-28-1285
7	560-23-1020	750-31-1370
8	590-26-1110	790-34-1470

9 620-29-1200 830-38-1590 10 660-32-1300 870-42-1710 11 700-35-1400 910-46-1830 12 750-40-1550 970-52-2010 13 800-45-1700 1035-58-2195 14 850-50-1850 1100-64-2380 15 900-55-2200 1165-71-2585 16 1050-80-2250 1350-105-2925 17 1600-120-3040 2065-155-3925 18 2100-150-3600 2710-195-4660 19 3200-160-4480 4130-205-5770 20 3800-180-5240 4900-235-6780 21 4200-225-6000 5420-290-7740

4500-250-6500

5800-325-8400

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Adoption of National Scales of Pay in the Provinces

SI. No. 6

The recommendations made in the meeting of the Chief Secretaries held on the 28th February, 1974 together with the Finance Ministry's views thereon were submitted to the Prime Minister and the following decisions have been taken with his approval:-

(i)

(il)

(ii)

(iv)

(v)

All Secretaries to the Provincial Governments may be in Grade 20.

Additional Secretaries to the Provincial Governments may be in Grade 19; in addition, they may get a special pay of Rs. 250, subject to the maximum not exceeding Rs. 2,300.

Joint Secretaries to the Provincial Governments may be in Grade 19.

Deputy Secretaries to the Provincial Governments may continue to be in Grade 18 and, in addition, get the special pay, at the present rates. However, a Deputy Secretary serving at the Centre or a Government servant approved for appointment as Deputy Secretary at the Centre, on appointment as Deputy Secretary in the Province, should carry his emoluments.

Deputy Commissioners will continue to be in Grade 18 and in receipt of the present rate of special pay and rent

(vi)

(vii)

(viii)

(ix)

(x)

(xi)

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free residential accommodation. Their sumptuary allowance may, however, be raised to Rs. 150 per month. Where officers are specially selected as Deputy Commissioners under the lateral entry scheme and they are getting higher emoluments, they should be protected in their employments.

Assistant Commissioners in All-Pakistan Unified Grades may be in Grade 17.

Deputy Inspectors General of Police may be in Grade 19.

The emoluments of Senior Superintendents of Police, Assistant Inspectors General and Superintendents of Police, Crime and Special Branches, should be equalized with those of Deputy Commissioners.

Superintendents of Police may continue in Grade 18 and to get their present special pay.

Consultations will be made with the Law Secretary, in the light of recommendations made by the Jurist's Conference, as regard the National Pay Scales that should be allowed to District and Sessions Judges, Additional District and Sessions Judges, and Administrative Civil Judges etc., and __ further communication will follow.

The minimum length of service for eligibility for promotion to various grades should be as follows:-

Grade 18... 5 years.

Grade 19... 12 years. Grade 20 _...... 15 years.

(xii) No Government servant of Grade 18 and above belonging to All-Pakistan Unified Grades will remain posted in the same province for more than 5 years. [This is in partial modification of the decision conveyed vide para 12 (ii) of Establishment Division Memorandum No. 2/2/74-RC, dated the 23rd February, 1974].

2. The National Pay Scales adopted by the Province of Punjab may be modified in the light of the above decisions which have the approval of the Prime Minister. For other Provinces, the National Pay Scales may be adopted in the light of the above decisions which have the approval of the Prime Minister.

[Authority.- Estt. Secretary's d.o. No. 3/3/73-AR-ll, dated 24-3-1974].

Grant of advance increments to employees in BPS-17 of technicall professional categories on possessing/acquiring higher qualifications

SI. No. 7

Reference para 15 of Finance Division's O.M. No. F. 1(1)-Imp/83 dated 18th August, 1983 (SI. No. 4) in which advance increments were allowed to BPS-17, employees of technical and professional categories serving in universities, colleges, research institutions and technical departments on possessing or acquiring specified higher qualifications, and subsequent O.M.No. F.(13)R.3/83 of 10th May, 1984, 10th January, 1985 and 28th October, 1985

extending the above benefit to employees in BPS-18, it is stated that the following decisions have been taken in partial modification of the above orders.

2. Employees of technical and professional categories /.e. Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Geologists, Meteorologists, Archaeologists, Experts in Agriculture, Animal Husbandry and Forestry, Chartered Accountants, Electronic Data Processing Personnel/Computer Personnel, Librarians, Pharmacists, Physiotherapists, Statisticians, Architects and Town Planners, serving in jobs which are required to be manned by persons holding technical or professional qualifications relevant to these jobs, will be allowed Qualification Allowance of ‘[Rs.1500 p.m.] on possessing/acquiring a Ph.D/D.Sc. degree from any recognized university.

3. Those employees who have already benefitted from the concession of advance increments allowed vide Finance Division's O.M. dated 18th August, 1983 referred to above will have the option either to retain the above benefit or to receive the Qualification Allowance and have their pay refixed by excluding the advance increments allowed earlier.

“Revised vide Finance Division O.M. No.F.3(1)Imp-I/88, dated 1-7-1988. 4. These orders will take effect from 1st January, 1986. [Authority.- Finance Division O.M.No.F.1(97)-R.3/85, dated 26-12-1985].

SI. No. 8

2. It is clarified that the qualification allowance is admissible to all technical/professional employees of specified categories, irrespective of their scale, who possess/acquire the degree of Ph.D/D.Sc. and are serving on jobs which are required under the

recruitment rules to be manned by persons holding this degree. Such persons may be employed in the Secretariat or elsewhere. However, employees of Grade-17/Grade-18 posts who have drawn the advance increments for these qualifications and wish to draw the qualification allowance w.e.f. 1st January, 1986, the advance increments shall be adjusted with effect from that date.

3. The qualification allowance is also admissible to technical and professional employees employed on relevant jobs in those Autonomous Organizations/Corporations who have adopted the Scheme of Basic Pay Scales in toto sanctioned vide this Division's O.M. No. I(l)-Imp/83, dated 18th August, 1983.

[Authority.- Paras 2&3 of Finance Division O.M. No.F.1(97)-R.3/83, dated 8-4-1983]. Grant of Ph.D./D.Sc. Allowance SI. No. 9

The President has been pleased to decide that with effect from 1st July, 1988, all Ph.D/D.Sc. degree holders will be allowed Ph.D./D.Sc. allowance of Rs.1500 p.m.

It has also been decided that the eligibility of Ph.D. allowance will not henceforth be linked with the recruitment rules and

irrespective of the job assigned to them.

[Authority.- Paras 1&3 of Finance Division O.M.No.F.3(l)-Ilmp-1/88, dated 1-7-1988].

Submission of copy of original Ph.D. degree

SI. No. 10

It has been decided that the scholars who earn a Ph.D/D.Sc. degree should invariably substantiate their claim with a copy of the original regular Ph.D/D.Sc. degree no matter when received.

2. The submission of two attested photocopies of their original Ph.D/D.Sc. degrees may be regarded as mandatory on all the scholars/Government official who have acquired this degree and, as such, they may be asked to do so immediately for placement thereof in their C.R. Dossiers/Personal files. It may also be clarified that the Ph.D. allowance would be allowed provisionally for six months on production of provisional degree. The said allowance will be made regular on submission of attested photocopy of regular Ph.D./D.Sc. degrees.

[Authority.- Extracts from paras 3 and 4 of Finance Division O.M. No.1(20)-Imp.1I/92, dated 28- 6-1992].

Clarification.- Finance Division's orders issued vide O.M. No.1(20)-Imp.II/92, dated 28-6-1992 are equally applicable to the employees of Attached Departments, Sub-ordinate Offices, and to those Autonomous/Semi-autonomous Organizations/ Corporations who have adopted the scheme of Basic Pay Scale of Government in toto.

[Authority.- Para 2 of Finance Division O.M.No.1(20)-Imp.1I/92, dated 15-10-1992].

Grant of Computer Allowance to Computer

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Personnel SI. No. 11

Reference Finance Division's O.M. No. F. 3(6) R.1/85, dated the 26th June, 1985 and 1st July, 1986 on the above mentioned subject, it has been decided to enhance the existing rate of Computer Allowance of Rs.500 p.m. to Rs. 1000 p.m. with effect from 1st July, 1988.

2. It has also been decided to allow Computer Allowance at the rate of Rs. 300 p.m. to Key Punch Operators/Key Punch Verifying Operator/Data Entry Operators from 1st July, 1988.

3. All other existing terms and conditions regulating the grant of Computer Allowance would remain the same.

[Authority.- Finance Division O.M. No. F.3(3)-R.1/88, dated 1-7-1988]. SI. No. 12

Reference Finance Division's O.M.No.F.3 (3)-R.I/88 dated the 1st July, 1988 (SI. No. 11), it has further been decided to allow Computer Allowance to the following categories of Computer Personnel w.e.f. 1st August, 1988:-

(a) Data Control Staff

upto [BPS-15] = Rs. 500 p.m. (b) Senior Computer personnel in = Rs.1500 p.m.

BPS-19 and above.

2. All other existing terms and conditions regulating the grant of Computer Allowance would remain the same.

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[Authority.- Finance Division's O.M. No. F. 3(3)-R.1/88, dated 7-8-1988].

Revision of Livery Rules and Grant of Dress Allowance

SI. No. 13

It has been decided that Naib Quasids, Daftaries, Record Sorters, D.M.Os, Chowkidars, Sweepers and Sweepresses are no provided with liveries in future, but would be given the following "Dress Allowance" in lieu thereof, which is the aggregated cost, per month, presently expended in providing them with liveries:-

Dress Allowance (i) Naib Qasids [Rs. 40.00

(iit) | Farashs,Record Rs. 35.00 Sorters, Daftaries,

D.M.Os

(iii) Chowkidars, Rs. 35.00 Sweepers

(iv) | Sweepresses Rs. 25.00]

2. The "Dress Allowance" at above rates shall be allowed in addition to the existing "washing allowance".

3. The "Dress Allowance" is to be allowed w.e.f. 1st October, 1982 and no expenditure on supply of Winter Liveries which becomes due on 1st November, 1982, shall be incurred.

4. (Not reproduced)

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5. Ministries/Divisions are requested to bring it to the notice of their respective Attached Departments/Subordinate Offices etc. for similar action.

“Subs vide Finance Division O.M.No.F.20(4)R.5/90 Vol.III, dated 21-6-1996. ‘Revised vide Estt. Division O.M. No.12/1/84-D.5, dated 17-7-1990.

6. This issues with the approval of the Finance Division vide their u.o. note No. 3(13)-R. 12/82, dated 1st September, 1982 and 15th September, 1982.

[Authority.- Estt. Division O.M. No. 12/9/81-D.5, dated 25-9-1982].

Payment for supply of drinking water, dusting arrangement etc.

SI. No. 14

Under SI. No. 43 of Appendix 8 of GFR Vol. Il, subject to such restrictions as may be imposed by the heads of departments, heads of offices may be authorized to make small monthly payments to Government servants for supplying drinking water or for dusting offices or for acting as night darbans or for similar services in addition to their own duties, provided that:-

(i) | the payments are of purely contingent character, are drawn on contingent bills and may be withdrawn at any time at the discretion of the head of the office;

(it) | the allowance will not count for leave salary or pension;

(iii) in the case of Government servants already in permanent employ in receipt of a monthly rate of pay, the payments must not exceed a sum of [Rs.20] a month in any one case; and the head of office must in sanctioning any such payment record his reasons

therefor and must satisfy himself:-

(a) that the work to be done is really necessary;

(b) that it is outside the regular duties of Government servants on the permanent establishment; and

(c) that the grant of extra allowance to any such Government servant is distinctly more economical than the employment of a fresh agency.

“Revised vide Finance Division O.M.No.1/7/Imp.1I/87, dated 1-7-1986.

2. It has been decided that the limit for the payments to Government servants for supplying drinking water or for dusting office or for acting as night darbans or for similar services in addition to their own duties, may be raised to [Rs.20 per month], with effect from 1st January, 1984.

3. It has also been decided that the figure "10" appearing after the words "the payments must not exceed a sum of Rs. "in sub-para (iii) Of SI.No.43 of appendix 8 of GFR Vol.Il may be substituted by the figure [20].

[Authority.- Finance Division's O.M.No.F.3(50)R-12/82, dated 22-1-1984]. Medical Allowance SI. No. 15

Medical Allowance at the rate of “[Rs.90] p.m. shall be allowed to the employees in BPS-1 to 15 instead of the reimbursement of the cost of medicines purchased by the employees as out-door patients. The facility of in-door treatment shall continue to be admissible.

[Authority.- Finance Division O.M. No. 1/7/lmp.|I/187 dated 1-7-1987].

Admissibility of Conveyance Allowance to the Government

Employees

SI. No. 16

It has been decided that the present rates of conveyance allowance will now be admissible to the Government employees posted at specified stations according to the following pay-limits

“Revised vide Finance Division O.M.No.1/7/Imp.lI/87, dated 1-7-1986. “Revised vide Finance Division O.M. No.F.1(71)lmp./95, dated 6-11-1995 w.e.f, 1-11-1995.

w.e.f. 1-6-1994:-

ii)

Rates of Allowance Government servants drawing pay in B-16 (Gazetted) and above and maintaining motor car not registered for commercial purpose. Rs.355/- p.m. Government servants drawing pay of Rs.3240/- per month and above other than those at (i) above. Rs. 193/- p.m. Government servants drawing pay of Rs. 1688/- p.m. and above but less than Rs.3240/- p.m. and maintaining Motorcycle/Scooter. Rs. 130/- p.m. Others Rs. 96/- p.m.

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2. The other conditions regulating the admissibility of conveyance allowance will remain applicable.

[Authority.- Finance Division O.M. No.F.3(2)R.5/91, dated 11-12-1994]. SI. No. 17

It has been decided that those Government employees in BPS-16 (Non-Gazetted) who were drawing Motorcar Maintenance Allowance sanctioned to them prior to 25-4-1994 would continue to draw the same as personal to them, in line with those Government servants who were allowed the same in terms of para-3 of the O.M. dated 5-10-1991.

2. In all fresh cases w.e.f. 25-4-1994, the car maintenance allowance would be restricted to Government employees drawing pay in BPS-16 (Gazetted) and above.

[Authority.- Finance Division O.M. No.F.3(2)R.5/91, dated 13-4-1995].

Pay admissible to Private Secretaries to the Federal Ministers and Ministers of State

SI. No. 18

In supersession of the Cabinet Division's O.M. No. 112/2/80-Min.|, dated 10th November, 1980 and No. 112/18/ 81-Min., dated 13th March, 1982, on the above subject, it is stated that the Federal Ministers and Ministers of State shall appoint their Private Secretaries from the normal source (not from outside), provided it does not involve out of turn/accelerated promotion for the Private Secretary, as follows:-

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Federal Ministers

A BPS 16/17/18 officer or a Deputy Secretary in his own pay and allowances with a special pay of [Rs.375] per month.

Ministers of State

A BPS 16/17/18 officer in his own pay and allowances with a special pay of Rs.250 p.m. or a Government servant in lower pay scale in his own pay and allowances with a special pay of Rs.200 p.m.

2. Finance Division's O.M. No. F.1(l)-lmp/83, dated the 18th August, 1983 and No. F. 26(1) R-I/80 (ii), dated 30th June, 1981 and No. F.1(l)-Imp/83-Pt (iii), dated 15th September, 1983 are modified to the above extent in respect of rates of special pay admissible to the Private Secretaries to the Ministers.

3. This issues with the concurrence of Establishment and the Finance Divisions conveyed vide their O.M.No.12/1/88- OMG-I, dated 7th April, 1988 and No.F.2(55) R.3/88-615, dated 1-8-1988 respectively.

[Authority.- Cabinet Division O.M. No.112/6/87-Min.|, dated 20-11-1988].

“Revised vide Finance Division's O.M.No.F.1 (12)-Imp.II/91, dated 19-8-1991. "Up-gradation of the post of

Superintendents in AFHQ and

all other Attached Departments

SI. No. 19

On the recommendation of the Standing Organisation Committee, it has been decided that posts of Superintendents in the

51 AFHQ and in other Attached Departments will be placed in NPS-16.

The fixation of pay of Superintendents concerned will be made in NPS-16 w.e.f. 01.1.1980 at the stage next above their basic pay as Superintendents in NPS-14 in accordance with this Division's O.M.No.438-R.4/75-F.2(31)-RI/75, dated 18-6-1975 (Annexure).

[Authority.- Finance Division O.M. No.F.2(1)-RI/80-DI-R.4/80, dated 08.1.1980].

ANNEXURE

Copy of Finance Division O.M. No. D. 438-R4/75-F. 2(31)-RI/75, dated the 18th June, 1975.

Subject:- Cases of transfer of civil servants from a lower to a higher pay scale without involving actual transfer from one post to another.

The relevant provisions in the Fundamental Rules have in the past been interpreted differently in the matter of fixation of initial pay in the higher scales in the cases of the category referred to above. Ina number of those cases, the civil servant concerned has been treated as entitled, under F.R. 22(a) (i), to the stage in the higher scale next above his last pay in the lower scale, while in others, initial pay in the higher scale equal to the last pay in the lower scale has been allowed under F.R. 22(a) (ii).

“Appointment to the upgraded posts of Superintendents (BPS-16) are permitted to be notified in the official Gazette vide Estt. Division O.M. No. 1/57/80-F.Il Dated 15-1-1984.

2. It has been decided that, in cases of fixation of pay governed by the Fundamental Rules, irrespective of any provisions to the contrary in those Rules, where a civil servant is not transferred from one post to another but is transferred from a lower to a higher

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scale, initial pay in the higher scale will be fixed at the stage next above the pay admissible in the lower scale as on the eve of the transfer to the higher scale. This decision will come into force with effect from 1st March, 1972 and would not apply to cases which had been settled before that date.

Grant of Selection Grade (B-17) to Superintendents working in the Federal Secretariat

SI. No. 20

In continuation of Finance Division's O.M. No. F. 1/7/Imp.11/87, dated the ist July, 1987, the President has been pleased to decide that 33% posts of Superintendents (B-16) working in the Federal Secretariat shall be placed in Selection Grade (B-17) with effect from 1st July, 1987.

[Authority.- Finance Division O.M. No.F 1/28/lmp.II/87, dated 14-9-1987].

Grant of Selection Grade (B-17) to the Superintendents (B-16) of the Attached Departments

SI. No. 21 It has been decided to allow Selection Grade B-17 @ 33% of

the posts to the Superintendents (B-16) working in the Attached Departments of Federal Government with immediate effect.

[Authority.- Finance Division O.M. No.F.3(10)-Imp./94, dated 18-5-1994].

a3

Upgradation of the post of

Private Secretary to Federal Secretaries/Additional Secretaries and other officers in BPS-21 and 22 provided with the services of Private Secretary in the Federal Government

SI. No. 22

The Prime Minister has been pleased to approve the following proposals made by the Establishment Division in consultation with the Finance Division:-

(a)

(b)

(C)

(d)

All the posts of Private Secretary to the Secretaries/Additional Secretaries and other officers in BPS-21 and 22 provided with the services of Private Secretary, in the Federal Government alongwith their incumbents who have been appointed to these posts on regular basis, are upgraded from BPS-16 to BPS-17 with effect from 1st July, 1983.

The incumbents of the post of Private Secretary (BPS-17) will be eligible for the grant of BPS-18 after putting in ten years satisfactory service in BPS-17 unless they move-over BPS-18 from an earlier date.

The special pay admissible to the Private Secretary (BPS- 16) to the Secretary/Additional Secretary and other officers in '[BPS-22 and 21] at the rate of "[Rs.300] and "[Rs.225] p.m. respectively will continue to be admissible in BPS-17/18.

No arrears due to retrospective upgradation of the

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"Amended vide Estt.Division O.M. No.9/2/74-F.II(R.6), dated 19-3-1986. "Revised vide Finance Division O.M.No.F.1(12)Imp.1I/91, dated 19-8-1991.

post from BPS-16 to 17 and on account of accrual of increments shall be admissible prior to the date of issue of this O.M.

[Authority.- Estt. Division O.M. No.9/2/74-F.1I(R.6), dated 18-3-1986]. SI. No. 23

On upgradation of the post of Private Secretary from BPS- 16 to BPS-17 with effect from 1st July, 1983, vide this Division's O.M. No. 9/2/74-F.I| (R-6), dated 18th March, 1986 (SI. No. 22), the following points have been raised by various Ministries/ Divisions:-

(i) Whether the service rendered in the posts below BPS-17 prior to 1st July, 1983 will be computed according to the existing rules for the purpose of allowing BPS-18 subject to usual conditions.

(ii) Whether the benefit of upgradation would be admissible to the existing incumbents of the post of P.S. only or it would also be available to those who were working as P.S. on 1st July, 1983 but were subsequently appointed to other posts from a date subsequent to 1st July, 1983 but hold lien on the post of Private Secretary.

(iii) | Whether an official working as a P.S. on ist July, 1983 and holding lien against that post but subsequently appointed to another post on acting charge basis can be allowed, on his request, to revert to the post of Private Secretary.

(iv)

(v)

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Whether a P.S. who held the post of P.S. on 1st July, 1983 but is presently on deputation elsewhere, is entitled to grant of BPS-17 with effect from ist July, 1983.

Whether on upgradation the fixation of pay in BPS- 17 shall be permissible according to the general principles as laid down in para 7(b) of Finance Division's O.M. No. F. 1(l)-Ilmp/83, dated 18th August, 1983, as allowed to the Stenotypists/ Stenographers.

2. The above issues have been examined in consultation with the Finance Division and the following decisions have been taken:-

(i)

(ii)

Unlike the post of Section Officer 50% of which stand placed in BPS-18, no post of P.S. stands placed in BPS-18 in terms of this Division's O.M. dated 18th March, 1986. It only provides for grant of BPS- 18 to the incumbents of the post after putting in 10 years satisfactory service as P.S. in BPS- 17. There is, as such no question of computation of service rendered in posts in BPS-16 and below for the purpose of grant of BPS-18.

The orders dated 18th March, 1986 provide for upgradation of the post of P.S. alongwith the incumbents. This clearly signifies that a person who is effectively holding the post of P.S. in BPS-16 on regular basis at the time of issue of these orders, is to be given the benefit of upgradation. Therefore, a person who had left that post on any account and was not holding it on the date of issue of those orders, cannot be extended

(ii)

(iv)

(v)

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the benefit of upgradation.

An official who was no more effectively holding the post of P.S. on the date of issue of orders of upgradation and stood appointed to another post of his own volition, has no right to invoke his lien to revert to the post of P.S. He would continue to hold lien on the post of P.S. but can only revert as P.S. on abolition or termination of the other post/ appointment.

As the officer was not actually holding the post of P.S. on 18th March, 1986, he will not be entitled to the benefits of upgradation of the post. However, this benefit will accrue to him from the date he is repatriated and re-occupies the post of P.S. in his parent office.

The matter is still receiving attention and decision arrived at will be communicated in due course.

3. Any orders issued by the Ministries/Divisions which are not in line with the instructions contained in paragraph 2 above, may be modified/withdrawn.

[Authority.- Estt. Division O.M. No.9/2/74-F.II(R-6), dated 25-6-1986].

SI. No. 24

Reference sub-para (v) of para 2 of Establishment Division's O.M. of even number dated 25th June, 1986 (SI. No. 23), it has since been decided in consultation with the Finance Division and the audit authorities that the pay of the existing incumbents on upgradation of the post of Private Secretary will be fixed in accordance with para 7(B) of the Finance Division's O.M. dated 18th August, 1983 and that the

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first increment will accrue to them on ist December, 1983 in accordance with para 3(ii) of the said O.M.

[Authority.- Estt. Division O.M.No.9/2/74-R.6(Pt), dated 16-7-1986].

Revision of the rates of

special pays admissible to Civil Servants below

BPS 16

SI. No. 25

It has been decided to raise the rate of special pays at present admissible under this Division's O.M. No. Py. NG 1(7)- Imp/63 dated 3rd April, 1963 with effect from 1st February, 1979 as follows:-

Rates of special pay Revised rates of

admissible at present special pay Rs. 15 p.m. Rs. 20 p.m. Rs. 20 p.m. Rs. 25 p.m. Rs. 25 p.m. Rs. 30 p.m. Rs. 30 p.m. Rs. 35 p.m.

2. It has also been decided that the special pay of Rs.10 p.m. sanctioned to Jamadars attached to Ministers/Secretaries/ Additional Secretaries in the Federal Secretariat vide this Division's O.M. F. 4 (8)/RI/74, dated 17th May, 1974 and to Daftaries vide this Division's O.M. No. 26 (10)-RI/72-1108, dated 6th January, 1976 shall also be enhanced to Rs. 20 p.m. with effect from the same date.

[Authority.- Finance Division O.M. No. 1011-R4/79-F.4(43) RI/78, dated 19-5-1979].

SI. No. 26

58

Reference Finance Division's O.M. No.1011-R.4/79-F. 4(43)- RI/78, dated the 19th May, 1979, it has also been decided that the special pay of Rs. 35 p.m. sanctioned to any civil servant shall be raised to Rs.45 pm w.e.f 1st February, 1979 or from the date of its actual grant to a civil servant whichever is later.

[Authority.- Finance Division O.M. No. F. 4(43)-RI/78, dated 7-10-1979].

Revision of rates of special pays admissible to Quasids and Daftries in the Federal Government

SI. No. 27

The President has been pleased to decide that the special pay of Rs. 20 sanctioned to Quasids attached to Ministers/ Secretaries/Additional Secretaries in the Federal Secretariat and the Daftries in the Federal Government vide Finance Division O.M. No.1011-R.4/79, F-4(43)-R.1/78 dated 19th May, 1979 (SI. No. 25) shall be enhanced to Rs. 30 per month with effect from 1st July, 1986.

[Authority.- Finance Division O.M.No.F.3(4)-R.1/86, dated 1-7-1986]. Grant of special pay to Lift Operators in the Federal Government

SI. No. 28

The President has been pleased to decide that Lift Operators in the Federal Government will be allowed a special pay of Rs. 35 p.m. in addition to their pay in the Basic Pay Scale applicable to them.

2. These orders will take effect from 01-07-1986.

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[Authority.- Finance Division O.M. No. F.3(3)-R.1/86, dated 1-7-1986].

Grant of Senior Scale to Assistants in the Federal Secretariat

SI. No. 29

The question of grant of senior scale (NPS-14) to the Assistants in the Pakistan Federal Secretariat has been under consideration for some time past. Following decisions have now been taken in consultation with the Finance Division:-

(i) That 25% of the total sanctioned posts in the Cadre of Assistant in each Ministry/Division may be placed in NPS-14.

(ii) Promotion to the senior scale (NPS-14) may be made on the basis of selection on merit, in accordance with the prescribed procedure. The persons holding the posts of Assistant Incharge will also be eligible for the grant of senior scale (NPS- 14).

(iti) Fixation of initial pay on promotion to the senior scale of Assistant (NPS-14) may be done under the ordinary rules /.e. without granting any premature increments.

(iv) | These decisions will take effect from 1st June, 1979.

[Authority.- Estt. Division O.M., No. 4/4/79-F.II, dated 13-8-1979].

SI. No. 30

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With reference to Establishment Division's O.M. No. 4/4/79-F.II dated the 13th August, 1979, (SI. No.29) it has been decided, in consultation with the Finance Division, that the pay of Assistant Incharge may be fixed in N.P.S. 15 w.e.f. Ist June, 1979, or the date of their placement in N.P.S. 14 by virtue of their seniority in the grade of Assistant, whichever is later.

[Authority.- Estt. Division O.M. No.4/4/79-F.Il, dated 15-5-1980]. SI. No. 31

The Assistants Incharge were made eligible for placement in Senior Scale (NPS-14) with effect from 1st June, 1979, on the basis of their presumptive seniority on the posts of Assistant under this Division's O.M. of even No. dated the 13th August, 1979 (SI. No. 29). AS a consequence, most of the Assistants Incharge in the Federal Secretariat were placed in NPS-14 and their pay was fixed in that grade with effect from 1st June, 1979. It was, however, decided later on to place Assistants Incharge in NPS-15 under this Division's O.M. of even number dated the 15th May, 1980 (SI.No.30).

2. Some of the Ministries/Divisions are facing difficulties in refixing the pay of Assistants Incharge in NPS-15. It is, therefore, Clarified, in consultation with the Finance Division, that the pay of the Assistants Incharge, working as such prior to 1st June, 1979, and placed in NPS-14 on the basis of their presumptive seniority on the post of Assistant, will first be fixed on presumptive basis in NPS-14 with effect from 1st June, 1979, and then will be refixed in NPS-15 w.e.f. from the same date.

[Authority.- Estt. Division O.M. No. 4/4/79, F.Il, dated 4-9-1980].

Grant of Selection Grade to Stenographers

SI. No. 32

"Twenty five per cent of the sanctioned posts of Stenographers were placed in senior scale (NPS-14) with effect from 1st June, 1973 vide Establishment Division's O.M. No. 14/6/73-D.1, dated the 24th October, 1973, as modified vide O.M. No. 14/6/73-D.1, dated the 8th August, 1974. Similarly, 25% of the sanctioned posts in the cadre of Assistants were placed in NPS-14 with effect from 1st June, 1979 vide Establishment Divisions's O.M. No. 4/4/79-F.ll, dated the 13th August, 1979 (SI. No.29).

2. A question has been raised how the number of posts in

NPS-11 should be worked out for placement in NPS-14. In this connection a reference is invited to the Finance Division's O.M. No. F.1(13)-P.C.1/49, dated the 3rd January, 1950 which provides that while calculating the number of posts for selection grade Stenographers, fractions of 0.5 or above should be taken as one post and fractions below 0.5 should be ignored. It is clarified that in respect of the posts of Stenographers and Assistants where 0.5 fraction appears both in respect of Grade-11 posts and Grade-14 posts, the fraction in respect of Grade-14 post should

"33% Posts of Stenographers were subsequently placed in Selection Grade (SI.No. 33).

be taken as_ one post and the fraction in respect of Grade-11 post should be ignored. The following table will illustrate the method:-

No. of total posts NPS-11/75% NPS-14/25% 1 (0. 75)=1 (0.25)=Nil 2 (1. 50) = 1 (0.50) = 1 3 (2.25) =2 (0.75) =1 4 (3.00) =3 (1.00) = 1 and so on

[Authority.- Estt. Division O.M. No. 4/1/83-R.VI, dated 22-1-1983]. SI. No. 33

33% posts of Stenographers shall be placed in Selection Grade (B-16).

[Authority.- Finance Division O.M. No.1(45)Imp-lI/87, dated 17-3-1991]. Grant of Selection Grade to Clerical Posts with effect from 1st July, 1987 SI. No. 34

(i) Thirty three per cent posts of L.D.Cs (BPS-5) shall be

63 placed in Selection Grade BPS-7.

(it) The Senior Clerks (B-6) of the Provincial Governments shall be allowed BPS-7 and 33% of posts be placed in Selection Grade (BPS-9).

(iii) Thirty three per cent posts of U.D.Cs (BPS-7) shall be placed in Selection Grade (BPS-9).

(iv) Thirty three per cent posts of Assistants in Federal Secretariat shall be placed in BPS-15 in place of existing 25% posts in BPS-14.

[Authority.- Finance Division O.M.No.1/7/Imp.II/87, dated 1-7-1987].

SI. No. 35

Thirty three per cent posts of LDC, UDC, Assistant and Superintendent have been placed in Selection Grade vide Finance Division's Office Memoranda No. 1/7/Imp. II/87, dated 1st July, 1987 and No. 1/28/Imp. II/87, dated 14th September, 1987.

2. A question has been raised as to how the number of posts in the above cadres should be worked out for placement in the Selection Grade. It is clarified that while calculating 33% posts to be placed in Selection Grade, any fraction of the post equal to or more than 0.50 may be treated as one post, whereas such fraction on the other side may be ignored. The following table will illustrate the position:-

No.of total posts Posts other than Posts in in the cadre of in Selection Selection

64

LDC, UDC, Asstt. Grade (67%) Grade (33%) & Superintendent

1 0.67=1 0.33 =0

2 134=1 0.66 =1

3 2.01 =2 0.99=1

4 2.68 =3 1.32=1

5 3.35 =3 1.65 =2

[Authority.- Estt. Division O.M. No.1/4/87-R.6, dated 3-11-1987].

SI. No. 36

In continuation of Finance Division's O.M. No. F. 1/7/Imp. 11/87, dated the 1st July, 1987 (SI. No. 34), the President has been pleased to decide that 25% posts of Assistants (B-11) working in the Attached Departments under the Federal Government, shall be placed in Selection Grade B-15 w.e.f. 1st April, 1988.

[Authority.- Finance Division O.M.No.F.1/3/Imp.1I/88, dated 25-4-1988].

Selection Grade for Diploma Engineers

SI. No. 37

Consequent on placing of 33% posts of Diploma Engineers in the Federal Government in BPS-16 vide Finance Division O.M. No. F.1(2)/R.1/91-D.1006 dated 25.8.1991, the following clarifications are made to settle the issue in the Federal Government:-

ii)

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The benefit is applicable in all the Federal Government Ministries/Divisions/Departments including Pakistan Railways where the post of Diploma Engineer exists carrying prescribed qualification i.e. Matriculate plus 3 years' diploma from a recognized Institutions.

The Diploma Engineers were granted Selection Grade (BPS-16) to 25% of posts vide Finance Division O.M. No. F.1(24) NG. Imp.II/75-Dy. No.105/76 dated 19.2.76. With the O.M. of 25.8.1991 referred to above the percentage of Selection Grade (BPS) of the posts of Diploma Engineers has only been enhanced from 25% to 33%.

Since this is not a new benefit, the same terms and conditions already in force prior to the present enhancement of percentage will remain applicable as such, except the increase in percentage w.e.f. 25.8.1991.

The Provincial Governments may if consider necessary adopt the benefit for their Diploma Engineers on the same terms and conditions.

2. The terms and conditions applicable on the Selection Grade allowed to 25% of the posts (which has been raised to 33%) are re- produced below for convenience:-

a)

Only regular posts of Diploma Engineers have to be taken into account for the purpose of calculating 25% posts in BPS-16. The regular posts mean both permanent and temporary posts. Temporary posts which have been sanctioned for a period of not less than or there is a reason to believe that they will not

b)

Cc)

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terminate within a period of three years or more will be taken into account for this purpose excluding temporary posts sanctioned for temporary jobs such as for execution of Projects.

25% is to be calculated on the basis of total permanent and temporary posts (Sanctioned on regular basis) of Diploma Engineers in BPS-11 to 15. However where a certain percentage of Diploma Engineers in BPS-11 are reserved for unqualified promotees, the number of such posts may be excluded for the purpose of calculation of number of posts in BPS-16. The unqualified promotees to BPS-11 could, however, be considered for promotion to BPS 16 in accordance with the service rules of the Department concerned and subject to 10 years service and passing the prescribed Departmental Examination.

The initial date of effect in such cases will be from the date of issue of this Division O.M. No. F.1(1) NG-Imp.II/76, dated the 19th February, 1976.

[Authority.- Finance Division O.M. No.F.1(2)/R-1/91-Pt., dated 18-1-1992].

Grant of Selection Grade to the Accountants

SI. No. 38

From 1.6.1991 onwards, the Accountants in BPS-16 in the Audit and Accounts Departments shall be allowed 33% Selection Grade in BPS-17.

[Authority.- Finance Division O.M. No.F.1(12)-Imp.1I/91, dated 19-8-1991].

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Clarification. - \t is clarified that the facility of Selection Grade has been allowed only to Accountants who are serving in Audit and Accounts Departments under the administrative control of Auditor General of Pakistan.

[Authority.- Finance Division O.M. No. F.1(26)Imp./91, dated 07-8-1993].

Award of Selection Grade in different Cadres

SI. No. 39

The following conditions for grant of Selection Grade/senior scale are proposed by Establishment Division:-

a) Selection Grade may be granted on the basis of seniority-cum-fitness.

b) The official to whom Selection Grade is proposed to be granted must have successfully completed his probationary period and must possess the following length of service in his existing Pay Scale:-

i) For grant of As prescribed for Selection Grade promotion to these in BPS-18 and Pay Scales. above.

il) For grant of Three years Selection Grade service in in BPS-17 and the existing Pay

below. Scales.

[Authority.- Finance Division O.M. No. F.1(39)Imp./95, dated 30-6-1996].

Assistant-in-Charge in Attached Departments to be in B-15

SI. No. 40

In continuation of Finance Division's O.M. No. F. 1/3/IMP.1I/88, dated the 25th April, 1988 on the above mentioned subject (SI. No. 36), the President has been pleased to decide that the post of Assistant-in- Charge in the Attached Departments of the Federal Government shall be placed in B-15, with special allowance of Rs. 100 p.m. with effect from 1st January, 1988.

[Authority.- Finance Division O.M.No.F.1(17)-Imp-II/88, dated 7-8-1988].

Grant of premature increments to graduate Auditors

SI. No. 41

In partial modification of the provisions of para 3(i) of the Finance Division O.M. No. F.1(1)-Imp. 1/77, dated 28th April, 1977, it has been decided that the pay of such graduate Auditors in the Pakistan Audit Department and Pakistan Military Accounts Department who had entered service before 1st May, 1977 and were entitled to four premature increments, shall be fixed at a Stage not lower than Rs. 391 in the Revised National Pay Scale No. 7.

[Authority.- Finance Division O.M. No. 5/(II)-Imp.1/77, dated 1-2-1978].

SI. No. 42

It has been decided that the pay of graduate Auditors in the Pakistan Audit Department and Pakistan Military Accounts Department who had entered service before 1st May, 1977, and were entitled to four premature increments, should be fixed at a stage not lower than Rs. 405 instead of Rs. 391 in the Revised National Pay Scale No. 7.

[Authority.- Finance Division O.M. No. F. 5 (11)-Imp.1/77, dated 14-11-1978].

Grant of advance increments to officials for possessing/ attaining higher educational qualifications

SI. No. 43

‘[(a) (i) From 1-6-1991 onwards advance increments shall be allowed without the condition of the second Division to the officials] “lin BPS 1-16] for possessing or acquiring higher educational qualifications over and above prescribed qualifications in the relevant Recruitment Rules to the extent given below:-

Number of advance increments for obtaining

Matric F.A./F.Sc. B.A./B.Sc. M.A/M.Sc.

a) Where the prescribed 2 4 6 8 qualification is Non-Matric.

b) Where the prescribed Nil 2 4 6

qualification is Matric.

c) Where the prescribed Nil Nil 2 4

70 qualification is F.A/F.Sc.

d) Where the prescribed Nil Nil Nil 2 qualification is B.A./ B.Sc.

The advance increments already allowed in terms of para 6 of O.M.No.F.1(7)Imp-lI/87, dated the 1st July, 1987 would be doubled from 1-6-1991.

(it) The advance increments shall be allowed at the time of recruitment or acquisition of higher qualification whichever is later. In cases where the employee is already at the maximum of the scale, he may be allowed the number of advance increments beyond the maximum of the scale as personal pay to be absorbed at the time of his move-over/promotion. Those employees who had acquired higher qualification in 3rd Division prior to 1-6-1991 and were not granted advance increments earlier would henceforth would be allowed advance increments w.e.f. 1-6-1991.

(6) Engineers and Doctors shall also be allowed four advance increments in case they possess or acquire a post-graduate degree in their relevant field for which they have not been allowed any qualification pay.

“Subs vide Finance Division O.M. No.F.1(12)-Imp-Il/91, dated 29-6-1991. “Amended vide Finance Division O.M. No.F.6(10)Imp/91-Vol.Ill, dated 8-7-1996.

(c) The advance increment/increments shall be allowed at the time of recruitment or acquiring higher qualification during service. In cases where the employee is already at the maximum of his pay scale, he would be allowed the requisite number of increments as personal pay to be absorbed on moving over/promotion to higher pay scale.

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[Authority.- Finance Division O.M. No. 1/7/lmp. II/87, dated 1-7-1987].

Grant of Advance Increments to Engineers and Doctors

SI. No. 44

Reference to para 6(b) of Finance Division O.M. No. 1/7/Imp- II/87, dated 1-7-1987 wherein four advance increments have been allowed to Engineers and Doctors on possessing or acquiring post- graduate degree in relevant field and vide para-15 of Finance Division O.M. No. F.11(1)lmp./83, dated 18-8-1983 a condition has been imposed on professionals (Engineers and Doctors also) that for the entitlement of advance increments on possessing or acquiring specified qualifications, these professionals must be working in Universities, Colleges, Research Institutions or Technical Departments whereas no such condition is specially mentioned in para 6(b) of Finance Division O.M. No.1/7/Imp-lI/87, dated 1-7-1987. A question has been raised whether condition as mentioned in para 15 of O.M. dated 18.8.1983 is equally applicable on the provision of para 6 (b) of O.M. dated 1-7-1987 or otherwise?

2. The matter has been considered and it is clarified that both the letters are to be read together subject to the condition i.e. those working in Universities, Colleges, Research Institutions or Technical Departments, as imposed in para-15 of Finance Division O.M. dated 18.8.1983 with regard to grant of advance increments to professionals which is equally applicable to Doctors and Engineers for advance increments under para 6(b) of Finance Division O.M. dated 1.7.1987.

[Authority.- Finance Division O.M. No.F.1(12)Imp/94, dated 17-11-1994].

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SI. No. 45

It has now been decided that such employee holding the post on or after 1-6-1992 for which there is no prescribed qualification in the Recruitment Rules and is filled by 100% promotion basis, will be allowed advance increments on_ possessing/acquiring higher qualification than prescribed for the feeding post as per criteria laid down in Para 5 (i) of Finance Division O.M.No.1(12)Imp.II/91, dated 29-6-1991 w.e.f. 1-6-1991 for the purpose of fixation of pay. Pay so fixed will be admissible with effect from 1-10-1992.

[Authority.- Finance Division O.M. No.F.1(9)-Imp.1I/91.Pt(G), dated 4-10-1992].

Grant of Senior Scale (NPS-7) to Drivers/ Despatch Riders

SI. No. 46

The question of grant of Senior Scale to Drivers/Despatch Riders of government vehicles has been under consideration of this Division for some time past. It has now been decided to raise from 25% to [50%] of the total posts of Drivers/Despatch Riders of government vehicles may be placed in senior scale in every Ministry/Department.

2. The grant of senior scale will be subject to the following conditions:-

(i) NPS-7 will be granted to the Drivers who have put in 15 years service as Drivers/Despatch Riders;

(iit) | if a Driver/Despatch Rider has rendered more than 10 years but less than 15 years of such service he may be

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allowed pay in NPS-6, NPS-7 may be allowed on completion of 15 years of such service;

(iii) | if a Driver/Despatch Rider has completed more than 5 years but less than 10 years of such service he may be allowed pay in NPS-5, NPS-6 and NPS-7 may be allowed on completion of 10 and 15 years service in accordance with the above; and

“Amended vide Estt. Division O.M.No. 15/2/75 F.IV.F1 dated 10-1-1981.

(iv) the above scale will not be allowed to a Driver/ Despatch Rider who has not completed 5 years of such service.

3. The fixation of pay in the higher scale will be allowed at a stage next above the existing basic pay in the lower scale without any premature increment, which is allowed only on promotion from a lower to higher post.

[Authority.- Estt. Division O.M. No. 15/2/75-F.1, dated 7-5-1980].

Grant of Senior Scale (BPS-2, 3&4) to Naib Quasid, Quasid and Daftries

SI. No. 47

The President has been pleased to decide that [30% posts] of Naib Quasids, Quasids and Daftries working in the Federal Government organizations shall be placed in selection grade w.e.f. 1st January, 1988 as under:-

SI.No. Name of Existing Selection the Post Pay Scale Grade

de Naib B-1 B-2

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Quasid Z: Quasid B-1 with B-3 special pay of Rs.30 pm. 3. Daftry B-1 —_ with B-4 special pay of Rs.30 pm.

2. The special pay of Rs.30 p.m. admissible under the existing orders to Quasids and Daftries, shall continue to be admissible to them when placed in selection grade.

[Authority.- Finance Division O.M. No.F.1/56/Imp.II/87, dated 15-12-1987].

“Revised vide Finance Division O.M.No.1(10)Imp-lI/91,dated 27-8-1991.

SI. No. 48

Reference Finance Division's O.M. No. 1/56/IMP-II/87, dated the 15th December, 1987 (SI. No.47). The President has been pleased to decide that the posts of Quasid and Daftry under the Federal Ministries/Divisions/Departments shall be upgraded from BPS-1 to BPS-2, without any special pay.

2. The special pay of Rs. 30 p.m. presently admissible to Quasids and Daftries shall cease to be admissible forthwith. It will, however, be counted as part of basic pay for purposes of fixation of pay in BPS-2.

3. The above orders shall be effective from the 1st August,

1D 1988. [Authority.- Finance Division O.M. No. F.1/56/IMP-II/87, dated 8-8-1988].

Grant of Selection Grade to Stenotypists

SI. No. 49

The President has been pleased to decide that [33% posts] of Stenotypist (B-12) working in Ministries/Divisions and Departments of the Federal Government shall be placed in Selection Grade B-14 w.e.f. 1st April, 1988.

2. Selection Grade shall be allowed strictly on the basis of seniority-cum-fitness.

[Authority.- Finance Division O.M. No. F.1/45/IMP-II/87, dated 25-4-1988].

Upgradation of the post of Duplicating Machine Operators

SI. No. 50

It has been decided to upgrade the post of Duplicating

“Revised vide Finance Division O.M. No.1(45)Imp.II/87, dated 17-3-1991.

Machine Operators employed under the Federal Government from NPS-3 to NPS-4 w.e.f. from the 1st September, 1980.

2. The pay of existing Duplicating Machine Operators will be refixed in NPS-4 according to the normal rules.

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[Authority.- Estt. Division O.M. No. 13/2/80 F.1, dated 22-9-1980].

Grant of Selection Grade to Duplicating Machine Operators

SI. No. 51

The President has been pleased to decide that Duplicating Machine Operators working in Ministries/Divisions/Attached Departments & Subordinate Offices of the Federal Government who have put in 10 years service or more as D.M.O. shall be allowed Selection Grade B-5 w.e.f. the 1st January, 1988.

[Authority.- Finance Division O.M. No.F.1/55/lmp.1I/87, dated 22-2-1988].

Move-over to employees of the Federal Government Corporations/Autonomous Organizations

SI. No. 52

Proceaure for fixation of pay where a civil servant is allowed to move over to a higher NPS under the NPS Scheme.- The relevant provisions in the Fundamental Rules have in the past been interpreted differently in the matter of fixation of initial pay in the higher scales in the cases of the category referred to above. In a number of those cases, the civil servant concerned has been treated as entitled, under F.R. 22 (a) (i), to the stage in the higher scale next above his last pay in the lower scale, while in others, initial pay in the higher scale equal to the last pay in the lower scale has been allowed under F. R. 22 (a) (ii).

2. It has been decided that, in cases of fixation of pay governed by the Fundamental Rules, irrespective of any provisions to

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the contrary in those Rules, where a civil servant is not transferred from one post to another but is transferred from a lower to a higher scale, initial pay in the higher scale will be fixed at the stage next above the pay admissible in the lower scale as on the eve of the transfer to the higher scale. This decision will come into force with effect from 1st March, 1972 and would not apply to cases which had been settled before that date.

[Authority.- Finance Div. O.M. No. D.438-R 4/75,F.2(31) RI/75, dated 18-6-1975].

SI. No. 53

Appointment of an official to a post carrying that very higher NPS to which he had moved over earlier.- In connection with the general orders issued in this Division's O. M. No. F. (2)/NG-Imp. 1/72, dated 27th December, 1972 on the above subject, a case of the following nature has come to notice. If the holder of a post of Time-Scale Clerk in the P.P.O. Department having remained for some time at the maximum of the NPS No. 7 of that post viz. Rs. 370 is transferred, under the above general orders, to the next higher NPS No. 8 without having been promoted to a higher post, he would be entitled, under this Division's O.M. No.D.438-R4/75, F.2(31)-RI/ 75, dated 18-6-75, to initial pay of Rs. 380 in NPS No. 8. If soon thereafter he was to be promoted to the next higher post of L.S.G. Clerk carrying NPS No. 8, his initial pay in the latter post would not be higher than Rs. 380 vide F.R. 22(a) (ii) read with F.R. 30 (2).If, however, the same Government servant had been promoted to the higher post of L.S.G. Clerk right from the maximum of NPS No. 7 of the lower post of Time Scale Clerk, he would have been entitled, under Clause (I) of Part | of the Scheme of National Scales, to initial pay of Rs. 395 in NPS No. 8.

2. It has been decided that, in case of the category prescribed in the preceding para, the initial pay of the Government servant on promotion to the higher post as fixed under the ordinary rules, will,

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where necessary, be enhanced by a stage so that it will not be lower than the initial pay that would have been admissible to him if he had been promoted to the above higher post from the maximum of the National Pay Scales of the lower post in question without having first been transferred to the next higher National Pay Scales under this Division's Office Memorandum dated 27-12-1972 referred to in para 1 above. This decision will take effect from 1st March, 1972. [Authority.- Finance Division O.M. No.435/75/F. 2(33)/ 75-RI, dated 11-7-1975]. N.B.- Please see paras 5 and 6 of Finance Division's O.M. No. 1(1)lmp/83, dated 18-8-1983 (SI.No.4).

SI. No. 54

The President has been pleased to decide that the concession of move-over to the next higher pay scales (without having to wait at the maximum of a pay-scale for three years) may be allowed to all civil employees of the Federal Government in BPS-16 to 19 from 1st December of the year following the year in which they reach the maximum of pay scale, subject to the following provisions:-

(1) |The cases of move-over of employees from BPS-16 to 17 and from BPS-17 to 18 would be scrutinized and recommended by the move-over Committee constituted as follows:-

(i) Ministries/Divisions

(a) Additional Chairman Secretary or Joint Secretary (if there be no Additional Secretary).

(6) Joint Secretary/

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Member Deputy Secretary of the Adminis- trative Ministry/ Division.

(c) Joint Secretary/ Member Deputy Secretary of the Finance Division.

(ii) Attached Departments/Subordinate Offices.

(a) Additional Chairman Secretary or Joint Secretary of the Adminis- trative Ministry/ Division.

(b) An officer of Member the Department holding post in BPS-20 or at least in BPS-19, if there be no officer in BPS-20 (in respect of cases of attached department).

or

Head of the Subordinate Member

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Office concerned (in respect of cases of Subordinate Offices).

T(c) Joint Secretary Member in case of move-over from B-18 to B-19 and from B-19 to B-20) Deputy Secretary (in case of move-over from B-16 to B-17 and from

B-17 to B-18) of the Finance

Division].

(i)

(il)

The cases would then be processed by the Establishment Division to obtain approval of the competent authority.

For move-over to BPS-18 the employees should have completed at least five years of service in BPS-17. Service rendered in pay scales below

BPS-17 will be computed according to the existing formula.

“Subs. vide Finance Division's O.M. No.F.1(82)-R.3/85, dated 03-3-1986.

(ii)

‘Ti)

For move-over to BPS-17 and 18, the employee should have earned from average to good reports without any adverse entry during the last five years, inclusive of the year of move-over.

The cases of move-over of employees

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from BPS-18 to 19 and from BPS-19 to 20 will be scrutinized and recommended by a Selection Committee consisting of Secretary of the administrative Ministry concerned and a representative each of Establishment and Finance Divisions not below the rank of Joint Secretary. However, in case of Establishment Division, the Selection Committee may be headed by an Additional Secretary. The cases would then be processed by the Establishment Division to obtain the approval of the competent authority].

(v) The eligibility of the employees for move-over to BPS-19 to 20 would be subject to their having completed the length of service of 12 and 17 years respectively in BPS-17 and above. Service rendered in scales below BPS-17 will be computed according to the existing formula.

(vi) For move-over to BPS-19, the employee should have earned generally good reports and for move-over to BPS-20, at least good or higher reports without any adverse entry during the last five years, inclusive of the year of move-over.

“Subs. vide Finance Division O.M.No.9(2)R.3/93, dated 13-3-1993.

(vil) In case an employee fails to fulfil the condition prescribed in (iii) or (vi) above,

(ix)

(viii)

(x)

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as the case may be, he shall wait at the maximum of the pay scale till he has earned in succession the requisite number of reports of the required standard without adverse entry, and his move-over shall take effect from ist December of the year in which last such report is earned.

The move-over shall not be construed to be a promotion to the post of higher Basic Pay Scale, but the higher pay scale will be treated to be an extension of the existing Basic Pay Scale of the post held by the employee. Therefore, the incident of move-over shall not be notified.

[The pay of employees who are allowed the move-over shall be fixed at the stage next above their existing pay in the lower scale. No pre- mature increment will be admissible. However, in case of officers who have moved-over from B-19 to B-20 and are subsequently promoted on regular basis, they will continue to draw the salary at the same stage, until such time the next increment becomes due in the Basic Pay Scale (B-20) under the normal rules].

In case of move-over to BPS-20, no Entertainment Allowance, Senior Post Allowance, Residence Orderly/Orderly Allowance or any other fringe benefits

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shall be admissible to the employees.

“Subs vide Finance Division O.M.No. F.1(7)-R.3/85, dated 01-8-1994.

‘[e)

(xii)

“T(xiii)

The employee allowed to move-over shall not be entitled to any change in rental ceiling. The house rent allowance, which is calculated with reference to the minimum of the relevant basic pay scale shall continue to be payable on the basis of the minimum of the scale of the post in which the employee originally belongs].

The employees shall not be allowed two successive move-overs. However, if an employee having moved over to a particular scale, is | subsequently promoted to a post carrying the same scale, he may again become eligible for further move-over.

Those who become eligible for move-over during the currency of a calendar year either because of the grant of selection grade, grant of advance increments, re- fixation of pay or promotion etc. shall be allowed move-over from 1st of the month of December which follows immediately thereafter, provided that other conditions on the subject are fulfilled].

2. The above decision would be effective from 1st December, 1985 /.e. all those employees who reached the maximum of pay scale 16 to 19 on or before 1st December, 1984 would be eligible to be

considered for move over to the next scale w.e.f. Ist December, 1985 (except employees of technical and professional categories who are already eligible for Move-Over from an earlier date).

“Subs vide Finance Division O.M.No. F.2 (7)Imp.I/88, dated 07-4-1988. **Added vide Finance Division O.M. No.F.9(14)R.3/93-Vol-Il, dated 19-5-1994.

3. The guidelines for the scrutiny of the cases of move-over by the Selection Committee/Move-over Committees are contained in the Annexure to this Office Memorandum.

4. This O.M. and the annexed guide-lines are issued with the concurrence of the Establishment Division.

5. This Division's O.M. No. F. 1(63)-R. 3/85 (ii) dated 2-9-1985 may be treated to have been superseded by this O. M. However, the cases in which move-over has already been allowed will not be reviewed in the light of (Annexure) guidelines.

[Authority.- Finance Division O.M. No.F.1(82)R-3/85, dated 1-1-1986]. ANNEXURE

SUBJECT:- Guidelines for considering cases of move-over of employees in BPS-16 to BPS-19.

The following are the guidelines for processing the cases of move-over.

2. Cases of move-over of employees in BPS-18 and 19 shall be scrutinized and recommended by a Selection Committee comprising the Secretary of the Administrative Ministry concerned [or in the case of Attached Department, the Head of the Department if he

is drawing pay in BPS-22] and a representative each of the Establishment and Finance Divisions not below the rank of Joint Secretary. The Ministries and Divisions shall prepare a working paper for the Selection Committee embodying the particulars of each officer as per proforma enclosed with these guidelines.

3. Cases of move-over of employees in BPS-16 and 17 will be scrutinized by the concerned Move-over Committee and will be approved by the competent authority. The proforma referred to in para 2 above will also be used in this case.

‘Ins vide Finance Division O.M. No. F. 1(82)-R. 3/83, dated 5-10-1986.

4. While considering an employee for move-over, the Selection Committee/Move-over Committee should briefly indicate the grounds for their recommendation. If a case is postponed, the exact ground for postponement vide para 7 of the guidelines should always be specified. The Ministries/Divisions and Departments should ensure that when the reason for which the case was postponed ceases to exit, the case is placed before the Selection Committee/Move-over Committee as early as possible.

Criteria for Move-over

5. An employee must fulfil the following requirements for move- over to pay-scales 17,18, 19 and 20, as the case may be:

(i) He should be a regular member of the service, cadre or post concerned and should have completed the following length of service to a post in the pay-scale in

which he is to move-over:

B-18 - 5 years B-19 - 12 years B-20 - 17 years

‘[(ii) If the period in the existing post/scale is less than five years, the reports of the previous post may be included to complete the requisite number of reports for the last five years. In case of the persons directly recruited, the previous instructions on the subject matter will continue].

(iii) No penalty under the relevant rules was imposed on him during the last five years.

(iv) He has not reached his present pay-scale by move-over.

“Subs vide Finance Division's O.M.No.F.7(I)Imp.I/90-Vol.|, dated 29-8-1990.

6. Subject to fulfilment of the conditions mentioned in the preceding paragraphs move-over would be admissible from ist December of the year following the year in which he reached the maximum of his basic pay scale.

7. The Selection Committee/Move-over Committee may postpone consideration of a case:-

(i) If the officer is on long leave or is under suspension, or

disciplinary action is pending against him or he is on deputation abroad or posted to an ex-cadre post abroad; or

(ii) his CR dossier is incomplete or some other information is wanting.

8. If a case was postponed and the employee concerned is subsequently allowed move-over, this will be allowed with immediate effect in cases covered under para 7(i) above and the qualifying period from the date the move-over was due to the actual date of move-over shall count towards increments in fixation of pay. If the case was postponed under para 7(ii) above, move-over shall be allowed from the date the move-over was due.

PROFORMA

GOVERNMENT OF PAKISTAN MINISTRY.

Division/Department/Office Particulars of the Officers for Selection Committee/Move-over Committee NAME.......:cccceeeeeeeeeeeeeee Post Neld...........cceeceeeeeeeeeeeeeeeeeees Basic Pay Scale (Number and Scale)...........:::::ccccceceseeeeeeeeee

Present Pay RSi..scccdtocces

1. (i) Date of first appointment in government service on regular basis and method of appointment.

(ii) Post and scale of pay in which appointment was made.

Date of appointment in the present post on regular basis and method of appointment.

State how the officer has reached his present pay-scale (i.e. by move-over or by appointment/ promotion).

(i) Date of reaching the maximum of the pay scale.

(ii) Date from which move-over to the next scale is admissible.

Seniority position in the cadre (extract of seniority list to be appended).

If the officer is on long leave of six months or more, leave preparatory to retirement, deputation abroad or on posting abroad, indicate the nature of absence, the commencing date and the date of its expiry.

Whether there is a post in higher scale in the service, cadre or group reserved for promotion. If so-

(i) its designation & scale.

(it) | number of vacancies available on the 1st December on which move-over is due.

(iii) | whether the government servant is eligible for promotion according to the conditions laid down in the recruitment rules/promotion policy.

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8. Total length of service in pay scale 17 and above possessed by the officer on the 1st December of the year on which move-over is due (actual calculations should be appended).

9 Analysis of confidential reports for the last 5 years.

Year Overall Work “Output Quality ‘Integrity Intellectual Fitness Moral For promotion General

10. Adverse entries (if any) during the above period. Indicate year, nature of adverse entry, whether it was communicated, whether it was expunged or retained. (If a representation against adverse remarks is pending, it should be indicated).

11. | Whether under suspension. If so, from which date.

12. Whether any disciplinary case is pending against him.

13. Penalties, if any, imposed during the last 5 years.

SIGHALUNG nines tosis tabadiscagndsatics DO@SIQNAION...........ccccsessceesesssteeerenses (To be signed by a senior officer) SI. No. 55

Reference Finance Division's O.M. No. F. 1(82)-R. 3/85, dated 1st January, 1986 (SI. No. 54), it is stated that references have been received in this Division seeking clarifications regarding processing of move-over cases which have been considered in consultation with the Establishment Division. In order to ensure expeditious finalization of move-over cases, it has been decided that:

(i)

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All cases of move-over of officers upto BPS-20, irrespective of the Service/Groups to which they belong, would be processed by the Ministries/ Divisions/Departments where the employees are

‘Final assessment as made by the countersigning officer should be given.

working. The confidential record of the officer, if not available, may be obtained from the

(il)

(ii)

(iv)

concerned Ministries/Divisions administering the Service/ Cadre/Group;

The cases of Government servants who are posted in or are on deputation to the Corporations/ Autonomous Bodies would be processed by the “parent Government/Departments, after which they will be allowed to move-over to the next pay scale.

Cases of move-over from BPS-16 to BPS-17 and BPS-17 to BPS-18 may be approved by the Secretaries of the administrative Ministries/ Divisions on the recommendations of the Move-over Committee. They will not be referred to the Establishment Division for obtaining approval of the competent authority.

Cases of move-over from BPS-18 to BPS-19 and BPS-19 to BPS-20 after being processed by the Selection Committee, would be referred to the Establishment Division for obtaining approval of Establishment Secretary who has been designated as competent authority to allow move-over in these cases.

[Authority.- Finance Division O.M. No. F.1(82)-R.3/85, dated 19-2-1986].

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SI. No. 56

Reference Finance Division's O.M. No. F. 1(82)-R. 3/85, dated 1st January, 1986 (SI. No. 54), it is stated that various Ministries/Divisions have approached this Division that all those Federal Government employees (in BPS-16-19) who reached the maximum of their pay scale on 1st December, 1986 may be allowed move-over to the next higher scale w.e.f. Ist December, 1987.

‘Note.- Parent Governments/Departments mean the administrative Ministries and Divisions of the Federal Government and departments of Provincial Governments which control the concerned autonomous bodies/corporations etc. (Clarified vide Finance Division O.M.No.F.1(82) R-3/85 dated 5-11-1986).

2. The matter has been examined in this Division. According to the instructions issued vide Finance Division O.M. referred to above, every employee is required to stay at the maximum of his scale for one year to be eligible for move-over to the next higher scale. The employees who reached the maximum of their scale on 1st December, 1986 did not stay at the maximum for one year due to the revision of the scales w.e.f. 1st July, 1987. Since such employees reached the maximum of their scale (Revised) on 1st December, 1987, they would be eligible for moveover to the next higher scale w.e.f, 1st December, 1988, instead of 1st December, 1987.

3. The above instructions will also be applicable to employees of those Corporations and Autonomous organizations which are otherwise covered under the move-over policy vide this Division's O.M. No. F. 1(I)R.3/86, dated 27th February, 1986.

[Authority.- Finance Division O.M.No. F. 7(l)-Imp.I/88, dated 28-3-1988].

SI. No. 57

92

Enquiries have been received, from the Ministries/ Divisions/Departments requesting the Finance Division to clarify if the remarks "Not yet fit for promotion" entered in the ACR of a Government servant has any bearing with the grant of move-over and to be counted as adverse remarks.

2. The matter has been examined in this Division as well as by the Establishment Division and it has been decided that since the entry in the ACR "Not yet fit for promotion" relates to promotion, the above entry may not be taken into account while allowing move-over to a Government servant, subject to fulfilment of the other conditions prescribed in the O.M. No.F.1(82)-R.3/85 dated 1st January, 1986 issued by this Division.

[Authority.- Finance Division O.M. No.F.7(6)-Imp.I/89, dated 12-12-1989].

‘Note: The above decision will be applicable from the date of introduction of the Move-over scheme].
“Added vide Finance Division O.M. No.F.9(7)R.5/96-Vol.|, dated 26-5-1996.

SI. No. 58

The matter has been re-examined in the Finance Division and the competent authority has decided to allow move-over to the next higher scale w.e.f. 1.12.1987 to all Federal Government employees (BPS 1-19) who had reached the maximum of their basic pay scale on 1.12.1986. However, no arrears would be admissible prior to issue of this Office Memorandum.

2. The above amendment in policy will also applicable to employees of those Corporations and Autonomous organizations who are otherwise covered under the move-over policy vide this Division's

93 O.M. No. 1(1)-R.3/86, dated 27.2.1986.

3. The Finance Division's O.M. dated 28.3.1988 (SI. No. 56) referred to in para 1 above may be treated as amended from the date of issue of this Office Memorandum.

[Authority.- Finance Division O.M. No.F.7(7)-Imp.1/90, dated 29-9-1990]. SI. No. 59

Enquiries are being received from the Ministries/Divisions as to whether initial ad hoc service followed by regular service in the same scale rendered by a civil servant should be counted to determine the requisite length of service prescribed for move-over to next higher scale.

2. The matter has been considered in the Finance Division in consultation with the Establishment Division. It has been decided that the continued service in the same scale may be included in the length of service specified in para 2(2) of this Division's O.M. No. 1(1)-R.3/86 dated 15-6-1986 subject to condition that there is no break in service and this service has been counted towards fixation of pay in the new/existing Federal Government Department with the approval of the Competent Authority.

[Authority.- Finance Division O.M. No. F.7(4)-Imp.1/88, dated 4-12-1990].

SI. No. 60

References from various quarters have been received in the Finance Division to clarify the position whether the cases of such officers which have already been cleared by the respective Move-over

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Committees for allowing move-over w.e.f. 1.12.1988 needs to be placed before these committees for reconsideration in the light of the decision taken by the Finance Division in O.M. dated 29-9-1990.

2. It has been decided that in consultation with the Establishment Division only fresh cases will be required to be placed before the respective move-over committees. The cases already decided by these committees need not be put up for allowing move- over w.e.f. 1.12.1987 instead of 1.12.1988.

[Authority.- Finance Division O.M.No.7(1)-IMP.I/90, dated 27-4-1991]. SI. No. 61

It has been decided that cases in which move-over has already been decided on or before 9th October, 1994 need not be put up again to the Move-over Committees/Selection Committees for ante- dation, consequent upon the issue of Finance Division's O.M. No. F.9(9)-R.3, dated 9-10-1994. In such situation, the cases may be decided by re-fixation of pay: provided that there is no violation of the prescribed instructions on the subject including those determining eligibility for grant of move-over.

[Authority.- Para 2 of Finance Division O.M.No.F.9(7)-R.3/94-Vol.|, dated 14-11-1994].

SI. No. 62

Reference Finance Division's O.M. No.F.1(12)Imp/94(i), dated 15.6.1994. The queries have been received in this Division about the eligibility for the grant of move-over to those BPS 17-19 employees, from 1.12.1994, who had reached the maximum of the relevant pay scales on 1.12.1993.

2. This aspect of the revision of pay scales has been examined in this Division, in consultation with the Establishment Division, and

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the view held is that such employees shall be eligible for the grant of move-over from 1.12.1994. However, since their pay will be fixed on 1.6.1994, at the maximum of the relevant pay scale on presumptive basis (without arrears), the grant of move-over from 1.12.1994 will also be presumptive. The financial benefits of move-over in such cases will accrue from 1.6.1995, when their pay will actually be fixed at the maximum of their respective pay scales. No arrears/refund etc. will be admissible on this account. However, such cases will be considered after June, 1995. [Authority.- Finance Division O.M. No.F.9(14)R.3/95, dated 13-4-1995].

SI. No. 63

Move-over Policy Instructions.- According to Finance Division's O.M. No.F.1(82)R.3/85, dated 1-1-1986 (SI.No.54), the concession of Move-over to civil employees of Federal Government in BPS-16 to BPS-19 from 1st December of the year following the year in which they reach the maximum of their pay scales, subject to certain conditions was allowed. Later on the facility of move-over was allowed during the currency of a calendar year to those Government servants who became eligible either because of grant of Selection Grade, advance increments, refixation of pay or promotion vide Finance Division's O.M. No.9(14)R.3/93-Vol-Il, dated 19-6-1994. This concession was made effective w.e.f. 1-6-1992 and afterwards w.e.f. 1-1-1986 for Government servants and w.e.f. 27-2-1986 for employees of Corporations, without arrears, vide Finance Division's O.M. No.9(9)R-3/93, dated 9-10-1994. This concession was withdrawn by cancelling the relevant orders vide Finance Division's O.M. No.F.9(14)R-3/94-Pt, dated 18-4-1995. However, this facility was kept operative for those Government servants to whom move- over had become due between 9th October, 1994 and 18th April, 1995, vide Finance Division's O.M. No. F.9(28)R-3/94, dated 13-9- 1995 it was clearly mentioned therein that this concession will not be available on or after 18-4-1995. But the Finance Division is still

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receiving such references contrary to the instructions dated 13-9- 1995.

2. TO avoid complications and to set the move-over policy back on track, it has been decided to cancel the Finance Division's O.M. No.F.9(28)R-3/94, dated 13-9-1995 with immediate effect. Now the move-over cases of same year pertaining to the period prior to 18-4- 1995 would not be entertained and the cases already decided before that date would not be re-opened. Henceforth an official on reaching the maximum of the relevant pay scale either by promotion or through advance increments or Selection Grade etc. shall be allowed move- over to next higher scale only from 1st of December of the year following the year in which he reaches the maximum of the scale subject to fulfillment of condition of length of service and service record etc.

3. According to policy instructions of 1988, civil employees of the Federal Government were allowed move over to the next higher basic pay scale with effect from 1st December of the year following the year in which they reach the maximum. These instructions were inferred erroneously to imply one year's stay at the maximum before becoming entitled to move over. This is not the case. It is clarified that the term following year, used in the instructions of 1986, in fact means next calendar year. These instructions therefore, clearly refer to admissibility of move over from 1st of December of the next calendar year. For example if an officer reaches the maximum of his scale during 2nd December to 31st December, 1997 he will be eligible for move over from 1st December of following (next) year i.e. 1-12-1998. Similarly if an officer reaches the maximum of his scale on 1-1-1997 he will be entitled for move over on 1-12-1998 (next calendar year).

4. The above clarifications/instructions will also be applicable to all employees of Government Corporations/ Autonomous Organizations.

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[Authority.- Finance Division O.M. No.F.10(2)R-3/99, dated 7-10-1999]. SI. No. 64

Grant of Move-over to Army Officers inducted in Civil Posts.- The commissioned service rendered by an officer in the Armed Forces prior to induction into the civil post on regular basis under Part- Il of Induction

Policy, may be included in the length of service for the purpose of grant of move-over subject to the following conditions:-

i) There is no break in service between the previous commissioned service rendered by them in the existing Government department besides such commissioned service has also been counted towards fixation of pay in the existing Government department.

il) He is not drawing pension against the service rendered in the Armed Forces.

[Authority.- Finance Division O.M. No.F.6(12)-R.3/89-Imp.1, dated 31-10-1990]. SI. No. 65

Grant of Move-over to Government servants in BPS 1 to 15.- BPS 1-15 employees are entitled to consecutive and automatic grant of move-over on reaching the maximum of their Pay Scale; subject to the condition that they fulfil other requirements. In their case neither D.P.C. nor Move-over Committee has any role to play. However, the grading/standard of their A.C.Rs is to be ensured by the respective administration.

[Authority.- Finance Division O.M. No.F.9(14)R.3/92-587, dated 18-4-1993].

98 SI. No. 66

Reference Cabinet Division's u.o. note No.1/3/94-C-IV, dated 20-10-1994, it is clarified that:-

(1) the consideration of move-over cases in respect of employees in BPS 1-15 may be _ postponed if disciplinary action is pending against them; and

(2) if the employee is exonerated from all the charges he will get move-over from the due date with all financial benefits. But if he is penalized as a result of the disciplinary action, he will have to wait for the next 4 years for the grant of move-over.

[Authority.- Finance Division O.M. No.F.9(4)-R.3/93-1397, dated 31-10-1994].

SI. No. 67

Minor penalty of censure not bar for move-over.- References have been received from different quarters as to whether minor penalty of censure is to be considered as bar in the move-over to next higher scale or otherwise. The matter has been considered in the Finance Division in consultation with Establishment Division and it has been decided that the censure being a minor penalty of lowest order bordering warning, may be ignored while deciding the case of move-over to next higher scale. This issues with the approval of competent authority.

[Authority.- Finance Division O.M. No. F.9(5)-R.3/92, dated 27-10-1992]. SI. No. 68

Fixation of pay of Government servants concerned on their

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promotion to higher posts carrying pay scales to which they have already reached by move-over.- In accordance with Finance Division's O.M. No.D.435-R.1,F.2(33)/75-R.1, dated the 14th July, 1975 benefit of next stage equal to one increment in fixation of pay was admissible to such a Government servant who is promoted to a higher post carrying pay scale to which he had moved-over earlier.

2. It has now been decided in consultation with the Auditor General of Pakistan that a Government servant who is promoted to a higher post carrying pay scale to which he has already reached by way of move-over will also be entitled to the benefit of a premature increment /.e. next stage plus one premature increment over the stage which he had reached by way of move-over but not beyond the maximum of the scale of the higher post to which he has been promoted.

3. These orders would be effective from 1-12-1985, but no arrears would be allowed on account of this refixation of pay prior to 1-1-1990. Cases decided prior to [1-12-1984] by allowing next stage under this Division's O.M. dated 14-7-1975 quoted above shall not be reopened.

[Authority.- Finance Division O.M. No.F.8(2)R.2/88, dated 3-4-1990]. SI. No. 69 It has been decided to allow arrears of fixation of pay on

account of move-over w.e.f. 1-12-1987 to all Federal Government employees.

“Amended vide Finance Division's O.M. No.F.8(2)R.2/88, dated 2-6-1991.

2. The above decision will also be applicable to the employees of those corporations and autonomous organizations who are otherwise covered under the move-over policy vide Finance Division's

100 O.M. No.F.1(1)-R.3/86, dated 27-2-1986.

[Authority.- Finance Division O.M.No.F.7(7)-Imp.1/90, dated 8-12-1990]. SI. No. 70

Where a Government servant drawing pay upto BPS-18 has moved over to a higher basic pay scale, and his pay fixed according to the prescribed procedure and then later on he is promoted to that Basic Pay Scale, his pay will be enhanced by one stage.

Where a civil servant is not appointed from one post to another, but only change of scale is involved, initial pay in the higher scale will be fixed at the stage next above the pay admissible in the lower scale as on the eve of transfer to the higher scale. The case of upgradation of posts, appointment to Selection Grade posts other than Section Officers and move-over from a lower to higher basic pay scale will be governed by these orders.orders.

[Authority.- Ministry of Finance O.M. No.893-R3/81, dated 24-10-1981]. SI. No. 71

In cases where an employee, before reaching the maximum of a basic scale of pay, is appointed to another post on a higher basic scale of pay between 2nd June and 30th November of a calendar year may, at his option, get his pay in the higher scale refixed from 1st December, of the above year of promotion with reference to his presumptive pay on that date in the pre-promotion scale.

[Authority.- Ministry of Finance O.M. No. F.3(2)Gaz. Imp. 1/75, dated 14-10-1975, F.5(2)(4) Imp. 1/78, dated 20-3-1978 and R-2/81 Dy.No.1318/R-2/81, dated 15-12-1981 and No.

F.1(49/R-3(A)/87, dated 18-3-1984].

SI. No. 72

101

In order to adopt a uniform mode of fixation of pay where a Government servant already drawing pay in a pay scale by virtue of selection grade, or otherwise holding a lower post in the pay scale, is promoted to a higher post falling in the same pay scale, it has been decided to allow next stage equal to one increment in fixation of pay on promotion in such cases.

2. There are also cases where special pay has been attached to one or both the posts involved and has been specifically protected for fixation of pay purposes like that of P.As./Stenographers in the Federal Secretariat. It has been decided to adopt the following mode of fixation of pay for a Government servant falling in such cases:-

(i) If no special pay is attached to the lower post but it is available in the higher post, his pay on promotion would be fixed at the same stage plus special pay of higher post would be allowed;

(iit) If special pay is attached to the lower post but not the higher post, his pay on promotion would be at next stage after adding pay plus special pay;

(iii) If special pay is attached to both lower and higher posts and:

(a) if the difference in special pay is more than one increment, he would be allowed present pay plus higher special pay;

(b) if the difference is less that one increment, he would be allowed next stage plus special pay of higher post.

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3. Ministries/Divisions/Departments etc. are accordingly requested to get the cases of fixation of pay involved settled on the above lines with the Audit/Accounts Officers concerned as already pointed out in the Finance Division's O.M. No. F.1087-R.2/91, dated 02-09-1991. However, to ascertain the relevant degree of importance of the duties and responsibilities the recruitment rules of the post and a declaration on the lines suggested in Audit Instruction (3) below F.R. 30 may be kept in view.

4. These orders would be effective from 01.06.1991. Cases already decided prior to this date shall not be re-opened.

[Authority.- Finance Division O.M. No.F.2(8)-R.1(1)/80, dated 17-11-1991]. SI. No. 73

It has come to the notice of Finance Division that while interpreting the eligibility for grant of next stage in cases where the pay of a junior official at particular stage was higher than the senior official have ignored the criteria of uniform length of service and allowed next stage to the senior employee by treating a case of anomaly. It may be clarified that the benefit of next stage in pay fixation in the context of O.M. dated 19-9-1992 referred above would accrue only in cases where the two officials are similarly placed and have equal length of service.

[Authority.- Finance Division O.M. No. F.1(34)-Imp/92-Vol.IV, dated 24-7-1994].

Grant of basic pay scale

21 and 22 to technical and professional officers in specially meritorious cases

103 SI. No. 74

Reference para 7(A) (c) of the Finance Division's O. M. No.1 (1)Imp./83, dated 18th August, 1983, regarding the grant of basic pay scale 21 and 22 to technical and professional officers, it is stated that it did not lay down modalities for the grant of scale 21 and 22 in meritorious cases. Some criteria were later laid down and a Committee was set up to make recommendations for the grant of scale 21 and 22. The basis for calculation of 12.5% of posts in scale 20 was also modified. However, difficulties continued to be felt in implementing the provisions particularly in the provinces.

2. The matter has, therefore, been reviewed in consultation with Establishment Division and with the approval of the Prime Minister the following principles and guidelines are laid down, in supersession of all instructions issued from time to time for processing the cases for the grant of scale 21 or 22 to professional and technical officers:-

(i) In specially meritorious cases, BPS 21 or 22, along with allowances and fringe benefits may be allowed with the approval of the Prime Minister, to technical and professional officers without requiring them to move from their technical posts where their expertise is particularly needed.

(ii) The maximum number of posts for grant of BPS 21 and 22 shall not exceed 12-1/2% of existing technical and professional posts in BPS-20 in each province and in each administrative Division of the Federal Government including its attached departments and subordinate offices. The number of such posts in BPS-20 should be calculated separately to form one single pool for each administrative Division/Provincial Government. The

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(v)

(vi)

(vii)

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Provincial Governments may recommend the grant of scale 21 or 22 upto the following maximum limits:-

Punjab 20 posts Sind 14 posts NWFP 10 posts Balochistan 6 posts

The maximum limits in respect of provinces would be reviewed in due course.

The number of technical posts calculated for the purpose of grant of scale 21 or 22 or allocated to each province is subject to the availability of suitable persons for such grant.

In specially meritorious cases the officers of BPS-20 shall be considered only for the grant of scale 21. Scale 22 may be granted in meritorious cases to those officers,who have served for at least 2 years in BPS-21.

The grant of scale 21 or 22, as the case may be, shall be admissible to officer only once in his career.

Grant of scale 21 or 22 to the officer will be personal to him. There would be no need to upgrade the post. He would, however, carry this higher scale in the event of his transfer to another post.

The specially meritorious cases for the grant of scale 21 or 22 would be scrutinized and recommended by a Selection Committee constituted as follows:-

Federal Government:

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1. Finance Minister.......... Chairman

2. Secretary, Establishment Division...... Member

3 Secretary, Finance Division............ Member

4. Secretary of the administrative Ministry/Division CONCeMNeM...........ccce Member

The Establishment Division shall function as Secretariat of the Committee.

Provincial Governments:

The Provincial Governments may set up their own Provincial Special Selection Committee headed by the Chief Minister and consisting of Chief Secretary and such other members as may be determined by the Chief Minister.

(viii) The following conditions will be observed in recommending specially meritorious cases:-

i. The officer holds the technical post in the cadre concerned on regular basis and possesses professional/technical qualifi-cations as _ laid down in the recruitment rules.

ii. He should have completed 22 years of service in

106

scale 17 and above for the grant of scale 21 or 22.

ill. His confidential reports should be good/very good with no adverse entry.

iv. His expertise is particularly needed in the technical post held by him.

(ix) The Federal Ministries/Divisions shall submit the proposals for the grant of scale 21 or 22, in specially meritorious cases to the Establishment Division for placing them before the Special Selection Committee.

The particulars of each officer shall be shown in the proforma attached as annexure to this O.M. The Establishment Division shall process the proposals, place them before the Committee and obtain orders of the Prime Minister on the recommendations. The approval of the Prime Minister would be conveyed by the Establishment Division to the Ministry/Division concerned for the issue of necessary sanction.

(x) The Provincial Special Selection Committee shall process the cases on the basis of these instructions and the proforma attached. The Provincial Government shall forward its recommendations to the Establishment Division in the form of a Summary over the signature of the Chief Secretary to obtain orders of the Prime Minister. The approval of the Prime Minister would be conveyed by the Establishment Division to the provincial government concerned.

3. Any difficulty felt in the implementation of these instructions

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shall be referred to the Ministry of Finance.

[Authority.- Finance Division O.M. No.F. 2(3)-R.3/86, dated 7-4-1987].

ii. Total number of officers holding technical/ professional posts in BPS-20 or 21, as the case may be, on regular basis.

iii. Pool posts 12.5% of the total number of posts in BPS-20 (i.e. of (i) above).

Annexure PROFORMA GOVERNMENT OF PAKISTAN DIVISION A. Particulars of Main Attached Federal Total of post/officer Ministry' Departments Subordinate columns as on (give Division Office 2,384 the date) (1) (2) (3) (S) i. Total number of technical/ professional posts sanctioned in BPS-20.

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Particulars of officer proposed for grant of BPS 21/22.

Name of the officer Date of birth

Technical/ professional category to which the post belongs.

(1) (2) (3) (4)

(6)

(Note:-

9 (1)

Qualification

including technical qualification possessed by the officer

Service/cadre to which he belongs

Present posting

Date of regular appointment to a post in BPS 20 or 21 and

its designation

Total length of service in posts in Basic Pay Scale 17 and above possessed

by the officer

Details may be given in Appendix-A).

Analysis of confidential

(2)

10.

11.

109

records (Appendix-B)

C.R. Score- overall grading, quality/output and integrity.

In the case of adverse entry, indicate the

year, nature of adverse entry, whether it was communicated, whether

it was expunged or retained. (If a representation against adverse remarks is pending, it should be indicated).

State whether he has been suspended or any penalty

(1) (2) (3) (4)

(6)

12.

has been imposed or any proposal for disciplinary action or suspension is under consideration.

State the reasons for

which his case is considered to be a "specially meritorious" case, and how his expertise is particularly needed in the technical post.

110 Signature ....eeeeee designation ....cceeeee (To be signed a senior officer)

Appendix-A

Details of length of service

Designation of Method of Pay scale Service rendered Calculation post held appointment (period with date) Years Months

BPS-17 BPS-18 BPS-19 BPS-20 BPS-21

Total:

Signature of Controlling officer

Appendix-B Analysis of Confidential Reports Year “Overall Work ‘Integrity Fitness assessment For “Output Quality Moral General Intellectual Promotion

‘Final assessment as made by the countersigning officer.

Grant of additional remuneration for holding charge of more than one identical post

SI. No. 75

111

It has been decided with the approval of the competent authority, that in case of additional charge arrangement, special allowance shall be admissible at a uniform rate of 20% of basic pay not exceeding [Rs.1100] p.m. with immediate effect subject to the fulfilment of the following conditions:-

(i)

(il)

(ii)

The work of the vacant post as far as possible, be distributed among more than one Government servant of the same status and designation available in the Ministries/Divisions/Departments.

Where the distribution of the work among more than one Government servant is not feasible, the charge of the vacant post may be entrusted, in its entirety, to another Government servant. This arrangement should not be made for a period less than one month and should not exceed three months and it should be allowed with specific approval of the Secretaries/Additional Secretaries/Heads of Attached Departments/Heads of Department not below BPS-21. However, it may be extended by another three months with the approval of next higher authority.

Immediately on the expiry of six months of the full additional charge of the particular vacant post, the post shall be treated as having been abolished and its duties automatically becoming part of the normal duties of the other existing posts of the same category in the Divisions/Departments concerned.

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“Revised vide Finance Division O.M. No.2(2)-R.3/92, dated 23-4-1992.

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The post so treated as abolished shall not be revived without the concurrence of the Financial Adviser concerned.

Where the’ services of judicial officers and supplementary staff are borrowed by the Federal Government to perform duties in addition to their own duties in Special Courts and Tribunals established for specified periods, the period of additional charge (beyond six months) may be continued with the approval of the authority which appointed such judicial officers in Special Courts in addition to their original appointments].

2. Finance Division's O.M. No. 4(14)-R. 4/68, dated the 9th September, 1971 shall be deemed to have been cancelled with effect from 1st February, 1987.

[Authority.- Finance Division O.M. No. 2(9)-R-3/85, dated 18-3-1987].

Grant of additional charge remuneration to BPS 1-15

employees

SI. No. 76

There should be no bar on the grant of additional remuneration to the government employees even in BPS 1 to 15. However, the authority to allow additional charge rests in BPS-21 officer.

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[Authority.- Finance Division O.M. No.F.3(17)R.3/93-1249, dated 28-9-1994].

Appointment on Acting Charge Basis

SI. No. 77

With reference to rule 8-A of the Civil Servants

“Added vide Finance Division's O.M. No.F.3(22)-R.3/94, dated 26-5-1994.

(Appointment, Promotion and Transfer) Rules, 1973, and it is stated that a civil servant, on appointment to hold a post on acting charge basis, shall -

(a) assume full duties and responsibility of the post and exercise all statutory, administrative and_ financial powers vested in the regular incumbent of the post; and

(b) during the period of such appointment, be entitled to draw fixed pay equal to the minimum stage of the pay at which his pay would have been fixed had he been appointed to that post on regular basis. Service rendered on Acting Charge basis in the scale applicable to [the post shall not count for purposes of drawal of increment in that grade]. It shall, however, count towards increments in the scale of pay held immediately before appointment on Acting Charge basis so that on reversion from Acting Charge appointment his pay in the lower grade should be fixed at the same stage which he would have reached, but for appointment to the higher grade.

[Authority.- Finance Division O.M.No.1/9/81-R-II(B), dated 12-1-1981].

SI. No. 78

Attention is invited to sub para (b) of Establishment Division's Office Memorandum No. 1/9/80-R.1I(B) dated the 12th January, 1981, as amended vide Office Memorandum No. 1/1/82/ R.2, dated the 15th August 1983, it is stated that in partial modification of the said order it has been decided that the service rendered on acting charge basis in respect of appointments falling under rules 8-B(l) and 8-B(3) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 count in the pay scale applicable to the post for the purposes of accrual of

“Service rendered on acting charge basis allowed to count for increments vide Estt. Division O.M. No. 1/25/83-R.2, dated 27-3-85 (SI.No. 79).

increments subject to fulfilment of the following:-

(i) In case of acting charge appointments to posts carrying BPS-18, the incumbents shall have completed [5] years service in B-17.

(ii) In case of acting charge appointments to posts carrying BPS-19 and above the incumbents shall have completed the prescribed length of service for respective posts as under:-

(a) Posts in BPS-19 [12] years service in BPS-17 and above.

(b) Posts in BPS-20 17 years service in BPS-17 and above.

(c) Posts in BPS-21 22 years service in BPS-17 and above.

2. The above decision shall be effective from the 1st January, 1985. However, in cases of acting charge appointments made during the period from 12th January, 1981 to 31st December, 1984, the increments shall be restored from the due dates but no arrears due on account of restoration of increments prior to 1st January, 1985 shall be allowed.

[Authority.- Estt. Division O.M. No. 1/25/83-R.2, dated 27-3-1985]. Enhancement of special pay admissible to an officer appointed to hold current charge of a higher post SI. No. 79

Under the existing orders an officer appointed to hold

“Amended vide Estt. Division O.M. of even number, dated 31-3-1986.

current charge of a higher post in addition to the duties of his own post, is allowed in terms of F.R. 35 and proviso to Section 17 of Civil Servants Act, 1973, pay of his own post plus special pay equal to 10% of his pay. The position has been reviewed and in order to

afford sufficient compensation to a person performing duties of higher post carrying higher responsibilities, it has been decided, with the approval of the competent authority, that in case of current charge appointments to higher posts, special pay shall be admissible at the rate of 20% of pay subject to a maximum of [Rs.1100 p.m with immediate effect].

2. However, it is emphasized that the current charge arrangements should be made with the approval of the competent authority strictly in accordance with the orders contained in the Establishment Division's O.M. No. 1/21/76-AR.I/R.II, dated 18th June, 1980 (SI. No. 121 of Chapter-ll).

[Authority.- Finance Division O.M. No.F.2(9)-R.3/85, dated 15-3-1987].

Payment of arrears to Government servants on reinstatement

SI. No. 80

Reference is invited to the Law Division's O.M.No. F.7(8)/ 70-Sol(l), dated 12-8-1970, which stated inter alia that, in accordance with the Supreme Court's judgement in CA No. 28 of 1969 (West Pakistan Vs. Mrs. A.V. Issacs), if the dismissal of a Government servant is held to be unlawful he has to be allowed salary for the period he was kept out of service, reduced by the amount, if any, that he might have earned by way of salary, or as profits, on account of having accepted some employment, or having been engaged in some profitable business, during the above period. Thus, the legal status of Government servant's claims for arrears of pay and allowances is no longer the same as had been indicated in para 3 of this Ministry's D.O. No. F. 9 (15)-RI (Rwp)/61, dated 23-12-1961 (not reproduced). Consequently, it is no longer appropriate for the enquiry committee

referred to in para

“Revised vide Finance Division O.M. No.2(2)-R.3/92, dated 23-4-1992.

4 of that D.O. to consider on merits, in cases in which Government servants are restored to their posts as a result of Court's decisions, as to whether or not, and to what extent, pay and allowances for the period of their absence from duty should be restored.

2. It has accordingly been decided that, in cases where a Government servant is reinstated retrospectively as a result of a Court's decision, the functions of the enquiry committee to be set up under para 4 of this Ministry's D.O. No. F. 9(15)-RI (Rwp)/ 61, dated 23-12-1961 as amended (Annexure) would henceforth be as follows:-

(a) The Ministry/Division/Department as the case may be, may obtain from the Government servant concerned a solemn declaration, supported by an affidavit, as to the particulars of his employment, or engagement in profitable business, during the period of his absence from duty, and the amount earned by him by way of salary from such employment, or as profits in such business.

(b) After examining such evidence as might be available, and cross-examining, if necessary the Government servant, the Ministry/Division/ Department as the case may be, may give their finding as to whether or not the above declaration is prima facie acceptable and on what grounds.

(c) If the declaration is found to be prima facie unacceptable, the Ministry/Division/Department as the case may be, should refer the case to the committee, which before giving their finding as to the amount earned by the Government servant during the period of absence from duty, may get the declaration properly verified/ scrutinized by any agency they consider appropriate. For example, if the case had been dealt with by the Federal Investigation Agency at an earlier stage in any connection, this verification/scrutiny may be arranged to be carried out by that Agency. For purposes of this verification/scrutiny assistance of the relevant Income Tax authorities, may also be sought, if the Government servant concerned is an Income-tax payer.

(d) In case the reinstatement of the Government servant has been ordered by the Court on account of the relevant administrative action having been found to be defective, the Committee should also give their findings,

(i) as to which officers were responsible for that defectiveness of administrative action; and

(ii) as to whether any, and what part, of the amount payable to the Government servant by way of net salary for the period of his absence from duty, might justifiably be recovered from such officers. The recovery from such officers will, of course, follow departmental proceedings under the Government Servants (Efficiency and Discipline) Rules.

3. The above instructions do not apply to cases in which Government servants are reinstated as a result of acceptance of appeals by departmental appellate authorities which will continue to be regulated by the provisions of F.R. 54, as hitherto.

[Authority.- Finance Division O.M.No.D.781-R4/73-F.3(4)-RI/73, dated 10-7-1973].

ANNEXURE

Copy of para 4 of the Finance Division D.O.letter No.9 (15) RI(Rwp)/61, dated 23-12-1961.

4. lf as a result of Court's decision, a Government servant is restored to his post, the question whether pay and allowances for the period he was under suspension or was removed from service should be decided on the merit of each case. For this purpose it is suggested that in all cases the Ministry or Department concerned should order a departmental enquiry headed by the representative of the Ministry/Department administratively concerned with their Financial Adviser/Deputy Financial Adviser as a member of the Committee. This Committee should consider whether on the merits of the case, Government would be justified in restoring the official concerned the pay and allowances for the period involved and, if so, whether in full or in part. In coming to a conclusion whether pay and allowances to an individual should or should not be restored, the Committee should keep in view the provisions of F.R.54.

Extra remuneration for acting as Arbitrator

SI. No. 81

A question regarding extra remuneration to be received by Government servants for acting as arbitrator was under consideration in the Establishment Division. The following decisions have been taken in consultation with the Ministry of Finance and the Law Division:

(i) | Remuneration to be received by a Government servant

for acting as arbitrator should not in any individual case exceed Rs. 750 of which one-third will be credited to Government and remaining will be retained by the Government servant.

(it) | The total amount of net fee (/.e., after crediting one-third to Government), should not exceed the pay of the officer in any calendar year. If an officer considers that ceiling of Rs. 750 would be inadequate in any particular case, he should obtain prior approval of the administrative Ministry for receiving a higher amount. So long as the amount of the net fee does not exceed the pay of the officer during the calendar year, the administrative Ministry will have the power to accord approval without consulting its F.A. A copy of such sanction should, however, be endorsed to the F.A. for information.

(iii) | Where the proposed fee in any individual case or the total fee during calendar year exceeds the Government servant's pay, the approval of the F.A. of the Ministry would be necessary. The F.A. should refer such cases to the Regulation Wing of the Ministry of Finance.

(iv) |The time for ascertaining the pay of an officer where the total net fee is to be regulated will be the time when the last arbitration case is proposed to be taken up in any calendar year.

It is requested that the following information should also be sent to Establishment Division alongwith the consolidated statement:-

(a) The nature of arbitration clauses in the contracts entered into by different agencies of the Government

with private parties. It may also be indicated as to what consideration governed the choice of the particular officer.

(b) Whether Government servants act as arbitrators only in contracts entered into by the Government with private parties or they act as arbitrators in other cases also where the contract is between private parties.

(c) The number of officers required to act as arbitrators in the Ministry/Division and the average time taken by them on this work.

[Authority.- Paras 1 & 3 of Estt. Division O.M. No. 9/I/70-D.IV, dated 18-3-1971].

Option for Residence Orderly or Orderly Allowance

SI. No. 82

It has been decided that, in view of the nature of their duties and responsibilities, officers in Grade 20 and above may be provided with an Orderly at their residence out of the sanctioned strength of Naib Quasids of the Ministry/Division/Department concerned.

[Authority.- Estt. Division O.M. No. 13/4/77-F.|., dated 30-4-1977].

SI. No. 83

Reference Establishment Division, O.M. No. 13/4/77-F.| dated the 30th April, 1977, regarding provision of an Orderly to officers in Basic Pay Scale 20 and above at their residences. In this connection it has been decided in consultation with the Establishment Division

that entitled officers may be allowed an option either to retain the Orderly or to receive an Orderly Allowance of [Rs.1900 p.m.] in lieu

thereof.

2. The option for Orderly Allowance will be exercised in writing and will be communicated to the audit office through the head of the office concerned. The following procedure will be observed in this

regard:-

(i)

(ii)

(iii)

Those opting for the Orderly Allowance would furnish a certificate to their audit office to the effect that they have not been provided with an Orderly by the office or have surrendered the one already provided to them. This certificate should be endorsed to the audit office by the officer incharge of administration of the concerned organization.

No new post of Naib Quasid may be created in a Ministry/ Division/Department without ensuring that the Residence Orderly surrendered by an officer has been gainfully utilized in the office.

In the event of an officer in receipt of Orderly Allowance opting for the residence Orderly, it will be the responsibility of the officer as well as the officer incharge of Administration of the concerned organization to intimate the audit office about it and have the Orderly Allowance discontinued from the date the Residence Orderly is provided out of the existing sanctioned strength of the organization.

[Authority.- Finance Division O.M.No.F.1(3)-Imp.1I/85, dated 24-10-1985].

“Revised vide Finance Division O.M. No.F.1(3)Imp-ll/89, Vol-Ill, dated 3-7-1995.

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SI. No. 84

The entitled officers shall be allowed Orderly Allowance during all kinds of leave except extraordinary leave. Such officers shall also be allowed Orderly Allowance during foreign training abroad provided their families remain in Pakistan.

[Authority.- Finance Division O.M.No.F.1(3)Imp.1I/85, dated 29-4- 1987]. Senior Post Allowance

SI. No. 85

The Senior Post Allowance is admissible at the following

rates:- BPS-20 "Rs. 600 per month BPS-21 "Rs. 800 per month BPS-22 "Rs.1000 per month

2. The Senior Post Allowance is treated as part of pay for the purpose of drawal of leave salary during leave on full pay/half pay including leave preparatory to retirement.

[Authority.- Finance Division O.M.No.F.2(11)lmp.1/77, dated 3-7-1977].

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“Revised vide Finance Division O.M. No.F.1(12)-Imp-II/91, dated 19-8-1991.

CHAPTER VII

LEAVE

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LEAVE

Revised Leave Rules, 1980 SI. No. 1

S.R.O. 1313 (1)/80.- In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:-

1. Short title, application and commencement.- (1) These rules may be called the Revised Leave Rules, 1980.

(2) They shall apply to all civil servants other than those who were employed before the first day of July, 1978, and opted not to be governed by the Revision of Leave Rules issued under the Finance Division's Office Memorandum No.F.1(2)-Rev.1/78, dated the 21st September, 1978.

(3) They shall come into force at once.

2. When leave earned.- (1) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(2) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that contribution towards leave salary is paid to the Government on account of such period.

3. Earning and accumulation of leave.- (1) A civil servant shall earn leave only on full pay which shall be calculated at the rate of four days for every calendar month of the period of duty rendered and credited to the leave account as "Leave on Full Pay", duty period of fifteen days or less in a calendar month being ignored and those of more than fifteen days being treated as a full calendar month for the purpose.

‘Note.- Please See revised Government Orders/instructions vide para(2)of Appendix II-A of the Compilation of Fundamental & Supplementary Rules, Vol.1I(1985 edition).

(2) If a civil Servant proceeds on leave during a calendar month and returns from it

during another calendar month and the period of duty in either month is more than fifteen days, the leave to be credited for both the incomplete months shall be restricted to that admissible for one full calendar month only.

3. There shall be no maximum limit on the accumulation of such leave.

4. Civil servants in vacation department.- A civil servant in vacation department may earn leave on full pay:-

(a) When he avails himself of full vacation in a calendar year at the rate of one day for every calendar month of duty rendered;

(b) When during any year he is prevented from availing himself of the full vacation as for a civil servant in a non-vacation department for that year; and

(c) When he avails himself of only a part of the vacation as in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

5. Leave on full pay.- The maximum period of leave on full pay that may be granted at one time shall be as follows:-

(a) Without medical certificate....... 120 days (b) With medical certificate.......... 180 days plus

(c) On medical certificate from leave account in entire Service............. 365 days

Note.- Under the Prescribed Leave Rules, 1955, leave on half average pay could be converted into leave on full pay on the strength of Medical Certificate up to a maximum of twelve months in terms of leave on full pay in the whole service. The account of this kind of leave was separately maintained in column 14 (a) of the leave account under the said Rules. Such leave availed of by the civil servants before the introduction of these rules, shall be debited against the maximum limit of 365 days fixed under this rule.

6. Leave on half pay.- Leave on full pay may, at the option of the civil servant, be converted into leave on half pay, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(2) The request for conversion of leave referred to in sub-rule (1) shall be specified by the civil servant in his application for the grant of leave.

(3) There shall be no limit on the grant of leave on half pay so long as it is available

by conversion in the leave account.

7. Leave to be applied, etc., in terms of days.- Leave shall be applied for, expressed, and sanctioned, in terms of days.

8. Carry forward of existing leave.- All leave at credit in the account of a civil servant on the first day of July, 1978, shall be carried forward and expressed in terms of leave on full pay and the leave account in such cases shall, with effect from the first day of July, 1978, or, in the case of a civil servant who was on leave on that date, with effect from the date of his return from leave, be recast as under:-

(i) Leave on average pay: (a) 1 month............ 30 days (b) 1 dayswanane. 1 day (il) Leave on half average pay: (a) 1 month............ 15 days (b) 2 AayS ......0ee 1 day

Note.- Fractions, if any, shall be ignored.

9. Extraordinary leave (leave without pay).- (1) Extraordinary leave without pay may be granted on any ground upto a maximum period of five years at a time, provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years, and, in case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the head of his office:

Provided that the maximum period of five years shall be reduced by the period of leave on full pay or half pay, if granted in combination with the extraordinary leave.

(2) Extraordinary leave up to a maximum period prescribed under sub-rule (1) may be granted, subject to the conditions stated therein, irrespective of the fact whether a civil servant is a permanent or a temporary employee.

(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave.

10. Recreation leave.- Recreation leave may be granted for fifteen days once ina calendar year, the debit to the leave account may, however, be for ten days leave on full pay:

Provided that such leave shall not be admissible to a civil servant in a vacation department.

11. Leave not due.- (1) Leave not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty-five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable chances of the civil servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority. “[ ].

“Added vide Finance Division Notification No. F.1(45)-R 4/81, dated 13-2-1982. “Omitted vide Finance Division Notification No. S.R.O. 218(KE)/93, dated 24-10-1993

12. Special leave.- (1) A female civil servant, on the death of her husband, may be granted special leave on full pay, when applied for a period not exceeding one hundred and thirty days.

(2) Such leave shall not be debited to her leave account.

(3) Such leave shall commence from the date of death of her husband and for this purpose she will have to produce death certificate issued by the competent authority either alongwith her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

13. Maternity leave.- (1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty-five days from the date of her confinement, whichever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinements beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

(6) Leave salary to be paid during maternity leave shall be regulated, as for other leave, in accordance with the formula contained in the Finance Division Office Memorandum No. F. 9(16)-R. 1/69, dated the 26th July, 1969, read with its Office Memorandum of even number dated the 28th November, 1969.

(7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if an increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

‘Note.- Please see Government decision under rule 6 of the Prescribed Leave Rules, 1955- reproduced in Appendix 7-B of the

Compilation of FR&SR Vol. II (1985 edition).

14. Disability leave.- (1) Disability leave may be granted, outside the leave account on each occasion, up to a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than a seaman or a civil servant in part-time service, disabled by injury, ailment or disease contacted in course or in consequence of duty or official position.

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay of the remaining period.

15. Leave ex-Pakistan.- (1) Leave ex-Pakistan may be granted on full pay to a civil servant who applies for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad, and makes a specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

(3) The leave pay shall be payable in Sterling if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to a maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after the 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they spend their leave.

(6) Leave ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rules 5, 6 and 9.

16. Leave preparatory to retirement.- (1) The maximum period up to which a civil servant may be granted leave preparatory to retirement shall be three hundred and sixty-five days.

(2) Such leave may be taken, subject to availability, either on full pay, or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the civil servant.

[(3) An officer of BPS-21 or BPS-22 who, on or after the 19th day of February, 1991, opts to retire voluntarily after he has completed twenty-five years of service qualifying for pension may be granted leave preparatory to retirement equal to entire leave at his credit in his leave account on full pay or till the date on which he completes the sixtieth years of his age, whichever is earlier:

Provided that such officer shall not be entitled to conversion of leave preparatory to retirement on full pay under rule 6 into leave on half pay].

“[17. Encashment of refused leave preparatory to retirement.- (1) If in case of retirement on superannuation or voluntary retirement on completion of thirty years qualifying service a civil servant cannot for reasons of public service, be granted leave preparatory to retirement duly applied for in sufficient time, he will in lieu thereof be granted lump-sum leave pay for the leave refused to him subject to a maximum of one hundred and eighty days leave on full pay].

(2) Such leave can be refused partly and sanctioned partly but the cash compensation shall be admissible for the actual period of such leave so refused not exceeding one hundred and eighty days.

(3) The payment of leave pay in lieu of such refused leave may be made to the civil servant either in lump-sum at the time of retirement or may, at his option, be drawn by him month-wise for the period of leave so refused.

(4) For the purpose of lump-sum payment in lieu of such leave, only the "Senior Post Allowance" will be included in "Leave Pay" so admissible.

(5) In case a civil servant on leave preparatory to retirement dies before completing one hundred and eighty days of such leave his family shall be entitled to lump-sum payment equal to the period falling short of one hundred and eighty days.

18. Power to refuse leave preparatory to retirement, etc.- (1) Ordinarily, leave preparatory to retirement shall not be refused.

“Added vide Finance Division O.M.No. F.1(8)-R.4/89, dated 30-5-1991. “Subs vide Finance Division Notification No. S.R.O. 281(1)/86 dated 10-3-1986.

(2) All orders refusing leave preparatory to retirement to a civil servant and recalling civil servant from leave preparatory to retirement shall be passed only by the authorities specified below:

*[(i) For civil servants of BPS-20 **[Chief Executive]

and above. (ii) For civil servants of Appointing Authority in BPS-17 to 19 prescribed in rule 6 of the

Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; and

(ili) For civil servants in BPS-16 Appointing Authority and below prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; and]

(3) The authorities specified in sub-rule (2) shall not delegate these powers to any other authority.

*[(4) All proposals regarding refusal of Leave Preparatory to Retirement to the Officers in BPS-17 and above shall be submitted to the respective appointing authorities with detailed justification at least three months

before the officer is due to proceed on such leave].

“[18-A. Encashment of leave preparatory to retirement.- (1) A civil servant may fifteen months before the date of superannuation or thirty years qualifying service on or after the ist July, 1983, at his option, be allowed to encash his leave preparatory to retirement if he undertakes in writing to perform duty in lieu of the whole period of three hundred and sixty-five days or lesser period which is due and admissible].

* Subs vide Finance Division Notification No.F.1(2)/R.4/2000, dated 21.2.2001 “Now Prime Minister
***Subs vide Finance Division Notification No.F.1(73)-R. 4/84 dated 18-12-1984.

[Provided that a civil servant who does not exercise the option within the specified period shall be deemed to have opted for encashment of LPR].

“[(2) In lieu of such leave, leave pay may be claimed for the actual period of such leave subject to a maximum of one hundred and eighty days].

™[(3) If at any time during such period leave is granted on account of ill health supported by medical certificate or for performance of Haj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for half the period of leave so granted, for example, if an employee who has opted for encashment of such leave, has taken sixty days leave, his cash compensation equal to thirty days leave shall be forfeited.

(4) The civil servant shall submit the option to the authority competent to sanction leave preparatory to retirement, who shall accept the option and issue formal sanction for the payment of cash compensation].

‘[(5) For the purpose of payment in lieu of such leave. -

(a) the rate of leave pay shall be the rate admissible °[at the time the leave pay is drawn],

(b) the leave pay may be drawn at any time for the period for which duty has already been rendered; and

(c) only the "Senior Post-Allowance" will be included in the leave pay as admissible].

°°/19. In-service death, etc. (1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump-sum payment equal to leave pay up to one hundred and eighty days out of the leave at his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

“Added vide Finance Division Notification No. F.1(1)-R-4/90-320, dated 11-3-1990. “Subs vide Finance Division Notification No. S.R.O. 1022(1)/85, dated 14-10-1985. "subs vide Finance Division Notification No.F.1(73)-R. 4/84 dated 18-12-1984. ®@subs vide Finance Division Notification No. F.1(73)-R-4/84 dated 12-3-1986.

@@ amended vide Finance Division Notification No. F.I(34) R-4/85 dated 16-9-1985, effective from the date of issue.

(2) For the purpose of lump-sum payment under sub-rule (1), only the "Senior Post Allowance" will be included in the leave pay" so admissible”.

20. Reasons need not be specified, etc.- (1) It shall not be necessary to specify the reasons for which leave has been applied so long as that leave is due and admissible to a civil servant.

(2) Leave applied for on medical certificate shall not be refused:

Provided that the authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or Medical Board, as the case may be, to have the applicant medically examined.

21. Leave when starts and ends.- Instead of indicating whether leave starts or ends in the forenoon or afternoon, leave may commence from that day following that on which a civil servant hands over the charge of his post and may end on the day preceding that on which he resumes duty.

22. Recall from leave, etc.- (1) If a civil servant is recalled to duty compulsorily with the personal approval of the head of his office from leave of any kind that he is spending away from his headquarters, he may be granted a single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty.

(2) In case the civil servant is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only.

(3) If the return from leave is optional, the civil servant is entitled to no concession.

23. Overstayal after sanctioned leave, etc.- (1) Unless the leave of a civil servant is extended by the head of his office, a civil servant who remains absent after the end of his leave shall not be entitled to any remuneration for the period of such absence, and without prejudice to any disciplinary action that may be taken against him, double the period of such absence shall be debited against his leave account.

(2) Such debit shall, if there is insufficient credit in the leave account, be adjusted against future earning.

24. Any type of leave may be applied.- A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances, for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may, proceed on extraordinary leave followed by leave on half pay and full pay rather than that on full pay, half pay, and without pay.

25. Combination of different types of leave, etc.- One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

26. Civil servant on leave not to join duty without permission before its expiry.- Unless he is permitted to do so by the authority which sanctioned his leave, a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

2/7. Leave due may be granted on abolition of post, etc.-(1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation, be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

28. Manner of handing over charge when proceeding on leave, etc.- (1) A civil servant proceeding on leave shall hand over the charge of his post, and if he is in Grade 16 and above, he shall, while handing over charge of the post sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servant shall take abroad with him a copy of the medical statement of his case.

29. Assumption of charge on return from leave, etc.- (1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post to which he is directed by that authority unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

30. Accounts offices to maintain leave account. (1) Leave account in respect of a civil servant shall be maintained as part of his service book.

(2) The accounts offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

31. Leave to lapse when civil servant quits service.- All leave at the credit of a civil servant shall lapse when he quits service.

32. Pay during leave.- (1) Leave pay admissible during leave on full pay shall be the greater of:- (a) the average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and (b) the rate equal to the rate of pay drawn on the day immediately before the beginning of the leave. (2) When leave on half pay is taken, the amounts calculated under clauses (a) and (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

‘[(3) A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servants takes place or an annual increment occurs during the period of leave of the civil servant].

“Added vide Finance Division Notification No. F.1(6)R-4/93, dated 21-9-1994.

33. Departmental leave.- (1) Departmental leave may be granted to civil servants drawing pay in Grade 1 to 9 in the National Pay Scales and serving in the Survey of Pakistan or in any such other department as may be notified by the Finance Division on the conditions laid down in this rule.

(2) Departmental leave may be granted only to a civil servant whose services are temporarily not required and no leave other than leave-not-due is admissible.

(3) A subsistence allowance at such rate as the officer granting the leave may think fit but not exceeding half pay may be granted during departmental leave.

(4) The allowance shall be payable only on return to and resumption of duty after the expiration of the leave, whether taken by itself or combined with departmental leave without pay :

Provided that if a civil servant dies while on departmental leave, the amount of allowance, if any, otherwise admissible upto date of his death shall be paid to his heirs.

(5) Departmental leave with subsistence allowance may be granted during the recess by the head of the party or office to which the civil servant belongs only when the officer granting the leave considers it desirable to re-employ him in the ensuing field season and the leave so granted may, in special cases, be extended by the Surveyor-General up to a maximum of five hundred and forty days at a time.

(6) Departmental leave with subsistence allowance may be granted at times other than the recess for not more than one hundred and eighty days at a time by a Director or Deputy Director, Survey of Pakistan, provided such leave is granted in the interest of public service or work and not at the civil servant's own request.

(7) Leave granted may in special cases be extended by the Surveyor-General upto a maximum of three hundred and sixty five days at a time.

(8) Leave on medical certificate shall in no circumstances be regarded as granted in the interest of public service or work.

(9) Departmental leave without pay may be granted by the Surveyor-General in continuation of departmental leave with subsistence allowance in special cases as authorized by the Finance Division by a general or special order.

(10) When a civil servant holds a post in which the Surveyor-General considers that he is unlikely to be eligible for departmental leave in future, the Surveyor-General may, by special order in writing, declare that, with effect from such date not being earlier than the civil servant's last return from departmental leave, as the Surveyor-General may fix, any balance of leave at debit in the civil servant's leave account shall be cancelled, and all leave earned after such date will be credited as due in the civil servant's leave account, and all leave taken after such date, including departmental leave with allowances, if any, will be debited to it.

(11) Departmental leave may be combined with any other kind of leave which may be due.

34. Sick leave to a seaman.- A civil servant serving as an officer, warrant officer or petty officer on a government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave on full pay, outside his leave account, for a period not exceeding forty-five days by the master or the captain of the vessel provided that the civil servant is not malingering or his ill health is not due to such of his own actions as cause or aggravate disease or injury.

35. Leave to disabled seaman.- A civil servant referred to in rule 34 who is disabled while performing his duty may be allowed leave on full pay for a maximum period not exceeding ninety days on each occasion if:-

(a) the disability is duly certified by a government Medical Officer,

(b) the disability is not due to the civil servant's own carelessness, and

(c) the vacancy caused by his absence is not filled up.

36. Leave earned by civil servant employed in non-continuous establishment.- (1) A civil servant employed in a non-continuous establishment may be granted only earned leave and disability leave as admissible to, and subject to the conditions laid down for, a civil servant employed in a continuous establishment and no other kind of leave shall be admissible to such civil servant.

(2) A civil servant who is transferred from a non-continuous establishment to a continuous establishment and vice versa shall carry forward the balance of earned leave at his credit on the date of his transfer.

Explanation.- In this rule, "non continuous establishment" means an establishment which does not function throughout the year and "continuous establishment" means an establishment which functions throughout the year.

37. Quarantine leave.- (1) Quarantine leave is in the nature of extra casual leave and a substitute shall normally not be employed during the absence of civil servant on such leave:

Provided that where the exigencies of service are compelling, the head of the office may employ a substitute for reasons to be recorded in writing.

(2) A civil servant may be granted quarantine leave outside his leave account to the extent that his authorized medical attendant recommends and the period of such leave shall be treated as duty with full pay and allowances of the post held by him at the time of proceeding on leave.

38. Leave application, its sanction, etc.- (1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in the case of the head of office, to the next-above administrative authority and the extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorized medical attendant ‘[or other registered medical practitioner] in the form attached to these rules.

“[(3-A). No civil servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the form attached to these rules.]

‘Ins vide Finance Division Notification No. 847-R.4/83 dated 19-11-1983. Added ibid.

(4) Leave as admissible to a civil Servant under these rules may be sanctioned by the head of a Ministry, Division, Department, Office or any other officer authorized by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In cases where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications, consider:-

(i) whether, and how many applicants can, for the time being, best be spared; (ii) whether any applicants were last recalled compulsorily from leave; and (iii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion. 39. Hospital leave and study leave.- Subject to these rules, the provisions regarding hospital leave and study leave contained in the Fundamental Rules and Supplementary Rules shall apply to the civil servants.

(40. Relaxation of Rules.- The Federal Government may in a case of hardship, relax all or any of the provision of these Rules:

Provided that such relaxation shall not be less favourable to any benefit available to a Civil Servant under these Rules].

[Authority.- Finance Division S.R.O. No.1313(1)/80, dated 20-12-1980, as amended]. Form-! FORM OF MEDICAL CERTIFICATE Signature of applicant

MEDICAL CERTIFICATE FOR CIVIL SERVANTS RECOMMENDED FOR LEAVE OR EXTENSION

ee ceitaccseteeet nat after Careful ....cee ce eeeeeeeeeeeees “Added vide Finance Division Notification No. F.1(4)-R.4/92, dated 1-11-1992.

personal examination of the case, hereby certify that ..... ee whose signature is given above, is suffering from .... and | consider that a period of absence from duty of Hevea ives with effect from .... 1S absolutely necessary for the restoration of his health.

Dated, the.........

Government Medical Attendant or Other Registered Medical Practitioner.

Form-Il

“[FORM OF MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

let, averse do hereby certify that | have carefully examined .... of the iseliasis fed department, and find that he has recovered from his illness and is now fit to resume duties in Government service. | also certify that before arriving at this decision | have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended, and have taken these into consideration in arriving at my decision.

Dated, the .... Government Medical Attendant or Other Registered Medical Practitioner]. G.F. R.13

APPLICATION FOR LEAVE

Notes.-Items 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of Grade 16 and above.

1. Name of applicant 2. Leave Rules applicable

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“Added vide Finance Division O.M.No.F.1(22)R.4/82, dated 22-12-1982. “Added vide Finance Division Notification No. 847-R. 4/83 dated 19-11-1983.

Post held Department or Office Pay House rent allowance, conveyance allowance or other compensatory allowances drawn in the present post 7. (a) Nature of leave applied for (b) Period of leave in days (c) Date of commencement 8. Particular Rule/Rules under which leave is admissible 9. (a) Date of return from Last Leave (b) Nature of leave (c) Period of leave in days

On Rw

Dated:- Signature of applicant 10. Remarks and recommendation of the Controlling Officer

11. Certified that leave applied for is admissible under Rule........ and necessary conditions are fulfilled

Signature Dated Designation 12. Report of Audit Officer Dated Signature Designation

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to return to the same post or another post carry the compensatory allowances being drawn by him

Dated Signature Designation

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Form Ill (to be scaned)

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EXPLANATORY INSTRUCTIONS FOR FILLING UP THE LEAVE ACCOUNT FORM

1. This leave account will be maintained for all civil servants of the Federal Government who were in service on the 1st July, 1978 including those who were on leave on that date and have not opted to retain the existing leave rules and all others, who enter service on or after 1st July, 1978.

2. All leave at credit in the account of a civil servant who was in service on the 1st July, 1978 shall be converted in terms of leave on full pay at the following rates:

(i) L.A.P. (a) 1 month .... 30 days (b) 1 day ..... ee 1 day (ii) L.H.A.P. (a) 1 month .... 15 days (b) 2 AaYS ......0:2- eee 1 day

(Fractions if any to be ignored)

3. The Leave account shall commence with an opening entry "Due on 1-7-1978" or in the case of a civil servant, who was on leave on 1-7-1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service upto 30-6-1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in Column No. 21.

4. (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose. Ifa civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only. There shall be no maximum limit on accumulation of this leave.

(ii) The provision in (i) above will not apply to a vacation department. In such case, a

civil servant may earn leave on full pay (a) when he avails himself of full vacation in a calendar year at the rate of one day for every calendar month of duty

rendered (b) when during any year he is prevented from availing himself of the full vacation

as for a civil servant in a non-vacation department for that year, and (c) when

he avails himself of only a part of the vacation as in (a) above plus such

proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

5. (a) Leave on full pay may be converted into leave on half pay at the option of the civil servant; the debit to the leave account will be at the rate of one day of the former for every two days of the latter fraction of one half counting as one full day's leave on full pay. The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(6) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. L.P.R. on full pay will be noted in column No. 10 while that on half pay in columns No. 13 and 14.

7. Leave not due may be granted on full pay to be offset against leave to be earned in future for a maximum period of 365 days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the civil servant resuming duty.

8. The grant of Special leave, Maternity leave, Disability leave, Extra-ordinary leave, payment of leave pay for refused L.P.R. upto a maximum of 180 days, lump-sum payment equal to full pay upto 180 days out of leave at credit made to the family of a Government servant, whose death occurs while in Service, Seaman Sick Leave, Departmental leave, study leave, Hospital leave and Quarantine leave shall be noted in column No. 22, Maternity leave other than three times in entire service shall, however, be debited to the relevant column of the leave account.

9. When a Government servant applies for leave columns 2 to 7 shall be filled in showing the period of duty upto the date preceding that on which a Government servant intends to go on leave. The full calendar months to be noted in column 5 shall be worked out on the lines indicated in para 4 above.

10. When a Government servant returns from leave columns 8 to 23 shall be filled according to the nature of leave. If leave not due is availed of the minus balance to be shown in column No. 21 should be written in red ink.

Option for Encashment of L.P.R.

SI. No. 2

Reference Finance Division's O.M. No.F.1(19)R-3/83, dated 11.7.84 (Annexure), it is stated that in case the leave of any kind including Extra-ordinary leave without pay is taken during the last 15 or 12 months by a retiring government servant, who opts for encashment of L.P.R. except on grounds contained in the above reference, the period of such leave will be reduced from 180 days or lesser period for which the encashment is allowed.

[Authority.- Finance Division O.M. No.F.1(73)R-4/84, dated 10-12-1989]. ANNEXURE

Copy of Finance Division O.M. No.F.1(19)R.3/83, dated 11-7-1984.

Reference para 25, of the Scheme of Basic Pay Scale contained in Finance Division O.M. No.1(1)Imp/83, dated 18.8.1983, according to which the encashment of L.P.R., which was previously admissible to civil servants only if L.P.R. was refused in public interest, would now be admissible to the employees concerned at their own option. In this connection various points have been raised for clarification. It has, therefore, been decided to clarify the points of doubt as in the following paragraphs.

2. Under the earlier orders, the concession of encashment of L.P.R. on retirement on superannuation or on completion of 30 years qualifying service was admissible upto the maximum of leave pay for 180 days under rule 17(i) of the Revised Leave Rules, 1980. The words "leave salary" and "six months" used in para 25 of the scheme of Basic Pay Scales contained in Finance Division's O.M. No.F.1(1)-Imp/83, dated 18.8.1983, shall therefore, mean "leave pay" and "one hundred and eighty days" respectively, as in para 17 of Revised Leave Rules 1980.

3. A civil servant who wishes to forego his L.P.R. in favour of cash compensation shall exercise his option to this effect in writing 15 months prior to the date of retirement, and submit it to the authority competent to sanction for the payment of cash compensation.

4. After having exercised the option for encashment of L.P.R., the Government servant shall have to perform duty during the entire period upto the date of retirement and cannot, save as stated in para 5 below, avail himself of any kind of leave, during the last 15 months of his service if the leave, at his credit was 365 days or less, and during the last 12 months of his service if the leave at his credit was more than 365 days. Provided that in the later case, leave can be taken prior to the period of the last 12 months only to the extent that the balance leave at credit does not fall below 365 days.

5. The competent authority may where it is satisfied, that the leave applied for is unavoidable or is fully justified, e.g, in cases of illness, supported by medical certificate, or for performance of Hajj etc, grant leave to an employee during the last 15 or 12 months of his service, as the case may be in accordance with para 4 above. In such a case, the amount of cash compensation shall be reduced by an amount equal to the leave pay for half of the period of leave taken. For example, if an employee, who has opted for encashment of L.P.R., has taken 60 days of leave, his cash compensation equal to 30 days leave pay would be forfeited.

6. It is requested that the cases of encashment of L.P.R. may be regulated according to the clarifications contained in this Office Memorandum.

SI. No. 3

The matter of allowing of encashment of L.P.R. on premature retirement, on completion of 31 years qualifying service, has been under consideration of the Finance Division. It is clarified that encashment of LPR upto 180 days will also be admissible to a civil servant who renders 31 years or more qualifying service and who seeks voluntary retirement on three month's notice in terms of Finance Division's O.M. No. 591-R.4/83, dated 4.9.1983 treating the last year of his service (including the notice period) as duty performed during LPR. It is further clarified that such a Government servant would also be entitled to encash his LPR upto maximum of 180 days subject to the same terms and

conditions as laid down in Rule 18-A of the Revised Leave Rules, 1980 as amended from time to time read with Finance Division's O.M. No. F.1(19)R.3/83, dated 11.7.1984 and F.1(73)R.4/84, dated 10.12.1989, respectively.

[Authority.- Finance Division O.M.No.F.1(8)R.4/90, dated 2-6-1991].

Encashment of L.P.R.

SI. No. 3-A

Reference Finance Division’s Office Memorandum No.F.1(8)R-4/90, dated 2"? June, 1991 on the subject and to state that competent authority has been pleased to withdraw the O.M. referred to above with immediate effect.

[Authority: Finance Division (Regulations Wing) O.M. No. F.1 (2) R-4/2001, dated 12-03-2002]

SI. No. 3-B

Reference Finance Division's Office Memorandum No. F.1(2) R-4/2001, dated March 12, 2002 on the subject. Through the aforesaid O.M. this Division's earlier O.M. No. F.1(8)-R.4/90, dated 2" June, 1991 has been withdrawn being contradictory to rule 18-A (1) of Revised Leave Rules, 1980. The cancellation of O.M. dated 02-06-1991 have created the impression as if the facility of encashment of LPR has been discontinued which is not correct. The O.M. dated 02-06-1991 stipulates that encashment of LPR is admissible on completion of 31 years service. On the other hand under Rule 18-A (1), encashment of LPR is admissible on superannuation or thirty years qualifying service. Therefore, with the cancellation of this Division O.M. No. F.1(8)-R.4/90, dated 02-06- 1991, the cases regarding encashment of LPR may be decided under rule 18-A (1) of Revised Leave Rules, 1980.

[Authority: Finance Division (Regulations Wing) O.M. No. F.1 (2) R-4/2001, dated 27-03-2002]

Permission to seek Private Employment by Civil Servants

during LPR without two years of retirement.

146 SI. No. 3-C

In continuation of Establishment Division's Office Memorandum No. 8/1/81/D4/D3, dated 30" June, 1981, a revised proforma which is required to be filled in by civil servants who may be desirous or seeking private employment during LPR or within two years of the date of the retirement, in accordance with Section 14 of the Civil Servants Act, 1973.

2. All Ministries/Divisions are requested to circulate the above instructions/proforma among their employees.

[Authority: Establishment Division's O.M. No. 8/1/81/D4/D3, dated 17-07-2002]

APPLICATION FORM FOR SEEKING PRIVATE EMPLOYMENT DURING LPR/WITHIN TWO YEARS OF RETIREMENT

1. Name 2. Appointments held during last 5 years of service: Post(s) held with Department(s)/Organization(s) Total Period of Stay BPS From To 3. Nature of Retirement (*) A. Date of Proceeding on LPR 5. Date of Retirement 6. Particulars of Private Employee (i) Name of organization (ii) Law under which registered (iii) Composition of the Board of Directors (iv) Nature of business etc (v) Location of Head Office 7. Designation of the Post and Pay Offered 8. Nature of duties 9. Whether the firm had official dealings with any of the department in which the officer served during

the last five years. If so please give details: 10. Any other information Signature

with Designation/Grade of last post held and

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Organization

(i) | On attaining the age of superannuation.

(ii) | Voluntary retirement on completion of 25 years service,

(iii) | Premature retirement, under Section 13(1)(i) of Civil Servants Act, 1973. (iv) Compulsory retirement on account of disciplinary action.

(v) Retirement on medical grounds.

(Additional sheet(s) may be added where necessary)

*) Please indicate one of the following:-

Procedure for grant of leave to

high officials and to the officers belonging to services/cadres controlled by the Establishment Division

SI. No. 4

A reference is invited to rule 38 of the Revised Leave Rules, 1980 according to which the leave is to be sanctioned by the head of the Ministry, Division, Department, office or any other officer authorized by him to do so and in the case of the head of office by the next above administrative authority and it is stated that while the officers belonging to the services/cadres controlled by the Establishment Division shall apply and be granted leave as provided for in rule 38 of the above rules, copies of notifications granting leave to such officers shall invariably be endorsed to Establishment Division. Where a Ministry/Division required a substitute in place of the officer belonging to the services/cadres controlled by the Establishment Division who is desirous of proceeding on leave of duration of three months or more, the leave may be granted after consulting the Establishment Division.

2. In the case of grant of leave to a Secretary General, Secretary or Acting Secretary to the Federal Government, or to Additional Secretary/Joint Secretary incharge of a Ministry/ Division or heads of department in BPS-22 and civil servants of equivalent status serving as heads of the autonomous and semi-autonomous bodies/corporations under the administrative control of the Federal Government, the following procedure will be followed:-

(i) Leave application for leave on full pay upto a period of 30 days will be submitted through the Minister to the Prime Minister for orders and a copy of the notification granting leave shall be endorsed to the Secretary, Establishment Division.

(ii) Leave applications for a period of more than 30 days would be submitted by

the Minister to Prime Minister through the Secretary, Establishment Division for obtaining the orders of the Prime Minister.

3. It has also been decided that the Provincial Governments will continue to exercise the powers to grant leave, including leave ex-Pakistan, upto 120 days to the officers of All Pakistan Unified Cadre working under them. Applications for leave in excess of 120 days shall be referred to the Establishment Division.

4. This supersedes Establishment Division's O.M. No. 7/9/79-C.| dated 4-6-1979 and No. 7/27/79-C.|, dated 15-4-1980.

5. The above instructions may be brought to the notice of all concerned for compliance.

[Authority.- Estt. Division O.M.No.10/22/83-R.2 dated 18-11-1985].

Grant of Leave to Officers belonging to Services/Cadres controlled by Establishment Division

SI. No. 4-A

It was laid down in Establishment Division O.M. No. 10/22/83-R.2, dated 18- 11-1985, that before granting leave of three months or more to officers belonging to the services/cadres controlled by the Establishment Division it was necessary to consult the Establishment Division, if a substitute of the officer is required. It

has come to the notice of the Establishment Division that, in some cases, Ministries/Divisions and the Provincial Governments have sanctioned long leave to officers, belonging to the services/cadres controlled by the Establishment Division without consulting the Establishment Division on the plea that no substitute was required. Consequently, orders of their inter-provincial transfers and nomination for training could not be implemented.

2. In view of the above position, the aforesaid instructions have been reviewed and it has been decided that, henceforth, the Establishment Division shall be consulted prior to the grant of leave to officers of the APUG

and OMG for a period exceeding four months.

3. In this connection attention is also invited to the instructions printed at SI.No. 10 and 11 at pages 830-831 of ESTACODE, 2000 Edition wherein it has been laid down that when an officer is transferred from one department to another, no leave should be sanctioned to him by the department from which he is transferred; in such cases, leave can be allowed only by the authority under whose control the transferred officer has to go.

4. The Ministries/Divisions are requested to ensure compliance of the above instructions also to bring these to the notice of Attached Departments, Subordinate Offices, Autonomous/Semi-Autonomous Bodies/Corporations under their administrative control.

[Authority: Establishment Division’s O.M. No.10/13/2001-R-2, dated 01-03-2001]

Bar against leaving place of duty without waiting for sanction of leave

SI. No. 5

It has been observed that the civil servants applying for grant of leave, leave their offices/places of duty without waiting for actual sanction of the leave applied for. The attention of Ministries/Divisions is invited to F. R. 67 wherein it is clearly stated that leave cannot be claimed as of right. Thus an application for leave should not be anticipated as grant of leave. It should therefore, be brought home to the civil servants serving under the control of Ministries/Divisions that if they apply for grant of leave, they must wait for sanction of leave and should not leave the place of their duty before the leave applied for is actually granted by the competent authority. Non-compliance of these instructions might warrant action on account of misconduct under the relevant rules.

[Authority.- Estt. Division O.M. No. 10/22/83-R. 2, dated 12-8-1985].

Arrangements for providing substitutes for officers proceeding on L.P.R.

SI. No. 6

According to para 3 (iii) of the Finance Division's Office Memorandum No. F-I (2) Rev.-l/78, dated 21st September, 1978, the maximum period upto which a civil servant may be granted leave preparatory to retirement shall be 365 days, or an year.

2. With a view, however, to making suitable arrangement for the replacement of retired personnel, it is requested that in the beginning of a calendar year, a list should be prepared of such officers and other employees who may be due to retire during that calendar year and early next year. Those officers/employees should accordingly be asked in writing whether or not they intend to proceed on LPR; if so, by which date. Thereafter action for providing their suitable substitute should please be initiated. On this principle immediate action may please be taken in respect of those who are due to retire during the year 1979.

3. Establishment Division may please be contacted as early as possible by (or through) the Ministry/Division concerned for providing a substitute for an officer if he belongs to an administrative group which is controlled by the Establishment Division.

[Authority.- Finance Division O.M.No.8/53/78-F.| dated 31-10-1978].

Special instructions relevant to leave of civil servants

SI. No. 7

Absence from headquarters during leave, holidays or casual leave.-A question has been raised whether a Government servant who is on leave, can leave his headquarters station without obtaining permission from the competent authority. After careful consideration it has been decided that it is necessary for the Government servant concerned to take permission of the authority which sanctioned the leave before leaving his headquarters station and keep his controlling officer advised of the change of address.

[Authority.- Finance Division O.M. No. F. 23 (49)-RI(2)/54, dated 29-12-1954]. SI. No. 8

The orders contained in the Ministry of Finance Office Memorandum No.46-F. 23 (49)-RI (2)/54, dated the 29th December, 1954 are also applicable to the cases of Government servants who leave their headquarters during holidays or while they are on casual leave.

[Authority.- Estt. Division O.M. No. 7/6/55-SE-II, dated 13-6-1955].

SI. No. 9

Grant of leave to Government servants for the period spent in giving evidence otherwise than on behalf of the state in a criminal/civil case not connected with their official duties.- A question has arisen as to whether a Government servant who is summoned by a court of law to give evidence otherwise than on behalf of the State is to be treated on duty or on leave. It has been decided in consultation with the Ministry of Finance that in such cases the Government servant concerned should be granted leave.

[Authority.- Estt. Division O.M.No. 846/59-E, XII, dated 17-11-1959]. SI. No. 10

Grant of leave to officers transferred to other posts.- It has been decided that, in future, an officer transferred to another post, either in the Federal Secretariat, its Attached or Subordinate Offices, or to a post under a Provincial Government on reversion from the Centre, should not be allowed leave for any period, except by the authority to whose control he is transferred.

[Authority.- Estt. Division O.M.No.6 (21)/60-E.IX, dated 8-10-1960].

SI. No. 11

Doubts have arisen as to who should sanction and notify the leave in the case of officers referred to in Establishment Division Office Memorandum No. 6(21)/60-E.1X, dated the 8th October, 1960. The intention is that after the date of issue of transfer orders, leave should be allowed and notified only by the authority under whose control the officer transferred has to go.

[Authority.- Estt. Division O.M. No. 8/20/60-F.1, dated 30-11-1961]. SI. No. 12

Grant of Extraordinary leave (leave without pay) under Rule 9 of the Revised Leave Rules, 1980.- The question whether a government servant can be allowed EOL (leave without pay) at every occasion/time or only once in the whole service in terms of Rule 9 of the revised leave Rules, 1980, has been under consideration of the Finance Division. It is clarified after consultation with Law and Justice Division, Establishment Division and Auditor General of Pakistan that EOL of five years is admissible to a government servant for each “spell of ten years of continuous service. If, however, a civil servant has not completed ten years of continuous service on each occasion/time, EOL without pay for a maximum period of two years, may be granted at the discretion of the head of his Ministry/Division/Department.

2. Maximum leave availed during one continuous period should also not exceed 5 years.

3. The cases already decided by the Ministries/Divisions need not be re-opened.

[Authority.- Finance Division O.M.No.F.1(68)R.4/84, dated 2-7-1991].

Conversion of Extraordinary Leave

into another kind of leave.

SI. No. 12-A

The Finance Division has been receiving reference regarding conversion of Extraordinary Leave (EOL) without pay into other kinds of leave. It is clarified that following special features of the EOL need to be kept in view while dealing with such cases:-

(a) Pay and allowances are inadmissible during EOL. Annual increments also are inadmissible under FR-26.

(b) The period of EOL is not counted towards pension either under CSR 361.

(c) EOL can cover a period of unauthorized absence; either under administrative order vide Rule 9(3) of Revised Leave Rules 1980 or on

the courts directions.

(d) The period of EOL is not considered as period spent on duty under FR-9 (6).

2. Due to the special characteristics of EOL stated above, no rule has been framed for its conversion into another kind of leave retrospectively because it not only involves payment of salary for the previous EOL period but would also involve change in the direction/orders of the authority. Moreover, a Government servant under rule 24 of revised Leave rule 1980, has been given the option to apply for any kind of leave. Leave sanctioning authority has no power to change the nature of leave. This option, once exercised by the Government servant is considered as final. Sometimes cases for retrospective conversion of EOL into another kind of leave are moved on the basis of CSR 232 (3) inspite of the fact that CSR 232 (3) does not specifically deal with EOL. Similarly, Government decision (3) under FR-87 cannot be used for conversion of EOL into another kind of leave because the said rule governs the leave salary. In the light of foregoing position, it has been decided that EOL cannot be converted into any other kind of leave respectively.

3. Ministries/Divisions of Federal Government are requested to circulate the aforesaid decision to their attached Departments and Subordinate Offices for information and compliance.

[Authority: Finance Division (Regulation Wing) O.M. No.F.1 (12) R-4/97, dated 07-01-2002]

SI. No. 13

Grant of Special Leave to Khuddam-ul-Hajaj.- |It has been decided that Khuddam-ul-Hajjaj, who remain away from their respective duties to work as Khuddam, may be granted special leave on full pay for that period outside their leave account.

[Authority.- Finance Division O.M. No. F.1(15) R.4/82, dated 11-8-1982].

Leave reserve under the Section Officers' Scheme and its proper utilization

SI. No. 14

The posts of Section Officers, Assistants, Stenotypists, Upper Division Clerks and Lower Division Clerks created under the Section Officers' Scheme include posts in the leave reserve which is equal to ten per cent of the sanctioned strength in those grades. The position in regard to the utilization of the leave reserve and of filling up of the leave vacancies in the grades in which leave reserve has been provided, is as follows:-

(i) No leave vacancy in the grades in which leave reserve has been provided, should normally be filled;

(iit) In case there is a deficiency in the grades in which leave reserve has been provided, or where the number of persons on leave is in excess of the number of persons actually available in the leave reserve and it is difficult for the Ministry

concerned to discharge its responsibilities efficiently without additional staff, officiating arrangements may be made as a special case, after consulting the Financial Adviser in the case of non-gazetted staff and the

Ministry of Finance in the case of Gazetted Officers;

(iii) All officers and staff employed in the grades in which leave reserve has been provided should be asked towards the end of each calendar year to indicate the approximate date on which and the period for which they wish to proceed on leave during the next year. On the basis of the information so collected, a leave programme for the year should be prepared in such a way, that at any given time, the number of persons on leave does not, as far as possible, exceed the leave reserve in the grade concerned. The officer and staff available against the leave reserve would thus be available to attend to the work of those granted leave. If there are occasional gaps when the number of officers/ staff wishing to proceed on leave is less than the leave reserve, the services of the officers/staff available as leave reserve may be utilized for special items of work which the Ministry may be called upon to undertake, the clearance of arrears in overworked Sections or re-arranging and weeding the records of the Ministry;

(iv) Leave reserve should be treated as an integral part of the grades concerned and the persons who are appointed against that reserve should not be labelled as such. The work in a Ministry or Division should, however, be divided in such a way as to facilitate the proper utilization of leave reserve on the lines suggested above.

2. This issues with the concurrence of the Ministry of Finance.

[Authority.- Estt. Division O.M. No.3/1/60-SR, dated 1-2-1961]. SL. No. 15

The review of the staff position carried out by the O&M Wing has revealed that practically all Ministries/Divisions have converted Leave Reserve Section Officers into regular Sections by assigning to them specific items of work which are of regular nature. It defeats the very objective for which Leave Reserve has been created.

2. In order to ensure the proper utilization of the Section Officers and their ancillary Staff in the Leave Reserve, it has been decided that following arrangements should be made in various Ministries/Divisions:-

(i) Experienced Section Officers along with their ancillary staff who could dispose of all types of cases, should be selected to work as Leave Reserve Officers, and no regular work should be assigned to them ;

(ii) The Leave Reserve Section Officer(s) at Rawalpindi/| slamabad or Karachi should be attached directly with the Secretary or other senior officer(s) at the station; and

(iti) When not employed in leave vacancies the Section Officers should, along with their ancillary staff, attend to the difficult cases of other Sections which

may be assigned to them by the Secretary or the senior officer(s) with whom they have been attached.

[Authority.- Estt. Division O.M. No.3/1/60-C-III, dated 4-10-1961]. SI. No. 16

It is obligatory on the Ministries/Divisions to observe the instructions contained in the Establishment Division Office Memoranda No. 3/1/60-SR, dated the 1st February, 1961 (Sl. No. 14), and No. 3/1/ 60-Cll, dated the 4th October, 1961 (SI. No. 15) regarding the utilization of Leave Reserve Section Officers. In this connection it may be mentioned that in their meeting held on the 14th November, 1961, the Standing Committee for consideration of Ideas for Improvement in Administration observed that the Leave Reserve Officers were primarily to be used for the purpose for which they were meant and should not be absorbed in the normal organisation of the Ministries and that when not employed against leave vacancies they should be used as a striking force to deal with arrears in any section or sudden pressure of work. In view of this, the Ministry of Commerce, etc. are requested to re-organize their Sections in such a way as not to entrust the Leave Reserve Section Officers with regular Sections. However, if they require any additional post of Section Officer they should take up the matter in the normal way. Attention in this connection is also invited to the Establishment Division's Office Memorandum No. 5/34/59-SR, dated the 13th February, 1961 regarding procedure for creation/abolition of posts of Section Officers.

[Authority.- Estt. Division O.M. No.3/1/60-C-III, dated 5-2-1962]. SI. No. 17

It has since been decided in consultation with the Ministry of Finance that leave vacancies caused due to Section Officers proceeding on leave preparatory to retirement, may be filled in accordance with the rules.

[Authority.- Estt. Division O.M. No. 3/1/60-C.III, dated 6-4-1962]. SI. No. 18

A Leave Reserve equal to ten per cent of the duty posts in the Section Officers Grade has been provided to each Ministry/ Division. Instructions regarding the utilization of the services of Section Officers in this Reserve are contained in the Establishment Division Office Memoranda No. 3/1/60-SR, dated the 1st February, 1961 (SI. No. 14) and No. 3/1/60-C Ill, dated the 4th October 1961 (SI. No.15) and 5th February, 1962 (SI. No.16). These instructions inter alia provide that Leave Reserve Section Officers should not be absorbed in the regular sections of the Ministries. However, it has been observed that with the passage of time these instructions have been lost sight of by almost all the Divisions who have converted the Leave Reserve into regular Sections. The result is that when any Section Officer proceeds on leave, no Leave Reserve Section Officer becomes available to attend to his work. This has defeated the very purpose for which the Leave Reserve was created, i.e., to have a pool of Officers whose services could immediately become available without any dislocation when any Section Officer proceeded on leave.

2. In addition to the Leave Reserve, each Division has been provided with a Training

Reserve, equal to ten per cent of the duty posts in the Section Officer's Grade. This reserve is mainly intended to accommodate the Section Officers (Probationers) after the completion of their training at the Secretariat Training Institute and till their absorption against regular vacancies on the successful completion of their probationary period. The officers in this Reserve are also required to attend to the work of those Section Officers who proceed on training (e.g. to the S.T.I., the NIPA's training courses abroad etc.). Establishment Division's Office Memorandum No. 2/2/62-Clll, dated the 30th November, 1962 refers in this connection. It is observed that like the Leave Reserve, the Training Reserve has also been absorbed in the regular set up of the Divisions. Therefore, this also has militated against the very concept of having a Training Reserve with the result that Ministries/Divisions are usually unable to make available their officers for training when required to do so on the plea that arrangements against the resultant vacancies cannot be made. This obviously retards the process of training of Section Officers which is so necessary for improving efficiency in the Secretariat.

3. In order to ensure proper utilization of the Leave and Training Reserves, all the Ministries are requested to review the position and limit the number of their regular Sections to the number of duty posts in the Section Officers Grade sanctioned for them.

[Authority.- Estt. Division O.M. No.3/1/60-C-Ill, dated 17-6-1967]. Study Leave

SI. No. 19

‘Grant of Study Leave outside Pakistan.- Reference Finance Division Office Memorandum No.F.10 (3)-RI/65, dated the 30th December, 1965. (Annexure), in which the grant of study leave outside Pakistan admissible under F.R. 84 read with Appendix No. 9 of F.R. & S.R. Volume Il, was held in abeyance. It has now been decided that subject to the conditions laid down in the succeeding paragraphs the ban imposed on the grant of study leave be lifted with immediate effect.

“Please see (SI.No. 21) for revised Study Leave Rules.

2. In the case of professors, teachers and professional experts like engineers and doctors, study leave may be granted subject to the usual conditions provided necessary facilities in the particular field of study are not available in Pakistan.

3. In the case of other Government servants, study leave should be granted, in consultation with the Financial Adviser concerned, in exceptional cases, after it has been established that the proposed course of study shall

be beneficial in relation to the functions of the Ministry/Division etc. and that suitable and/or equivalent facilities for such a study are not available within the country.

[Authority.- Finance Division O.M. No. F.10(3)-RI/65, dated 20-9-1966]. ANNEXURE

Copy of Ministry of Finance, Office Memorandum No.F. 10(3)- RI/65, dated the 30th December, 1965.

The undersigned is directed to say that it has been decided that, in view of the present financial stringency, the grant of study leave outside Pakistan under F.R. 84 read with Appendix No. 9, Fundamental and Supplementary Rules, Volume II, shall be held in abeyance until further orders.

SI. No. 20

Study leave for L.L.M. (Shariah and Law) Courses of Islamic University Islamabad. - Under F.R. 84 read with Appendix 9 of F.Rs. & S.Rs Vol.ll, study leave is admissible to permanent officers of Grade 16 and above for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction. A question has been raised whether study leave can be granted for the study of L.L.M. (Shariah & Law) Course introduced by the Islamic University, Islamabad. The matter has been considered in Finance Division and it has been decided that study leave may be granted to permanent officers of Grade 16 and above to study the course of L.L.M. (Shariah & Law) introduced by the Islamic University, Islamabad, subject to the limit and other conditions as laid down in Appendix 9 of F. Rs & S. Rs Vol. Il and orders issued thereunder.

[Authority.- Finance Division O.M. No. F.1(39)R-4/81-801, dated 17-12-1981].

SI. No. 21

Study Leave Rules prescribed by the President (F.R. 84).-Study leave may be granted as additional leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction.

2. These rules are not intended to meet the case of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such case will continue to be dealt with on their merits under the provisions of Rules 50 and 51 of the Fundamental Rules.

3. The rules shall apply to the Department of Archaeology, Public Health and Medical department, Botanical Survey, Civil Veterinary Department, Factory Departments, Geological Survey of Pakistan, Agricultural Department, Meteorological Department, Railways Division (Traffic, Locomotive & Engineering Branches), Education Department, Pakistan Public Works Department, Pakistan Forest Institute and National Council for Conservation of Wild Life (except in respect of continental tours, to which special rules apply).

4. The rules may be extended by the authorities empowered to sanction study leave to any Government servant, including a Government servant of a Provincial Service, not belonging to any of the departments mentioned above, in whose case if the sanctioning authority is of the opinion that leave should be granted in the public interest to pursue a special course of study or investigation of a scientific or technical nature.

5. The powers granted by these Rules to the Government of Pakistan or to local Governments may be delegated by them to the Ambassador for Pakistan subject to any condition they may think fit to impose.

6. Extra leave on half pay for the purpose of study leave may be taken either in or outside Pakistan. It may be granted to a Government servant of any of the Departments named above by the Local Government under whom he is serving provided that when a Government servant borne permanently on the cadre of one

Province or department is serving temporarily in another Province or department the grant of leave is subject to the conditions:-

(a) that the sanctioning authority can take local arrangements to carry on his work in his absence; and

(b) that the sanction of the Province or department to which he is permanently attached is obtained before leave is given.

7. Study leave should not ordinarily be granted to Government servants of less than five years' service or to Government servants within three years of the date at which they have the option of retiring, or, if they have the option of retiring after 25 years' service, within three years of the date at which they will complete 25 years' service. Nor should it be granted to Government servants who are about to retire on proportionate pension.

8. Ministries and Divisions of the Government of Pakistan may grant study leave to Government servants under their administrative control, subject to the restrictions which apply to the powers of a Local Government.

9. The study leave should be granted with due regard to the exigencies of the public service. In no case should be the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve an absence of a Government servant for more than 28 months from regular duties, or exceed two years in the entire service of a Government servant; nor should it be granted with such frequency as to remove him from contract with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum, and should not be exceeded save for exceptional reasons.

10. A Government servant whose study leave in combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

11. When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in Pakistan to his taking it as ordinary leave.

12. Except as provided in rule 13, all applications for study leave should be submitted with the Audit Officer's certificate to the Head of the Department through the prescribed channel and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If the course of study is abroad the Head of the Department should also forward to the Ambassador for Pakistan a copy of the approved programme of study. If it is not possible for the Government servant to give full details, as above, in his original application, or if, at leaving Pakistan he wishes to make any changes in the programme which has been approved in Pakistan, he should submit particulars as soon as possible to the Ambassador for Pakistan. In such cases he should not unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connection therewith, until he receives approval to the course through the Ambassador.

13. (1) Government servants on leave ex-Pakistan who wish to convert part of the leave into study leave or to undertake a course of study during leave, should before commencing study and before incurring any expenses in connection therewith, submit a programme of their proposed course of study to the Ambassador for Pakistan. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course, or examination, has the approval of the authorities in Pakistan. In the absence of such evidence the programme may, if approved by the Ambassador, be proceeded with, but no study leave allowance will be admissible until the concurrence of the authority concerned in Pakistan is received.

(2) Government servants on leave ex-Pakistan who desire to have it extended for purposes of study under these Rules, should address the Ambassador for Pakistan but in addition to furnishing a statement of proposed study they must support their application with documentary evidence of their having obtained the approval of the authorities concerned in Pakistan to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the authority concerned in Pakistan to the grant of study leave or study allowance or both.

14. No course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the sanctioning authority in Pakistan in accordance with Rules 12 and 13 above, and unless, in cases where it has not been found possible to submit full particulars to the authorities in Pakistan, it has been approved in detail by the Ambassador before it is begun.

15. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognized Institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. In no case will subsistence allowance be granted in addition to study allowance and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government of Pakistan or the local Government.

16. Study allowance will be admissible up to 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given at the discretion of the Government of Pakistan or a local Government for any period up to fourteen days at one time during which the officer is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited. If the Government servant is under civil leave rules the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above which cannot

be so converted will be excluded in reckoning service for pension.

17. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the Government of Pakistan or the Local Government will be prepared to consider proposals that such fees should be paid by Government.

18. On completion of a course of study a certificate on the proper form (which may be obtained from the Ambassador), together with certificates of examinations passed or of special study shall be forwarded to the authority which sanctioned the leave. In the case of a definite course of study at a recognized Institution the study allowance will be payable by the Ambassador or in Pakistan, as the case may be, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance. When the programme of study approved under Rule 12 does not include or does not consist entirely of such a course of study, the Government servant shall submit to the Ambassador or to the authority in Pakistan which sanctioned his leave, as the case may be, a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestion as to the possibility of applying such methods or operations to Pakistan. The sanctioning authority in Pakistan will decide whether the diary and report show that the time of the Government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in Rule 15 may be granted.

19. Study leave will count as service for promotion and pension, but not for leave. It will not affect any leave which may already be due to a Government servant; it will count as extra leave on half average pay and will be taken into account in reckoning the aggregate amount of leave on half average pay taken by the Government servant towards the maximum period admissible under the Fundamental Rules.

20. During study leave a Government servant will draw half pay. A Government servant may, subject to the approval of the proper authorities being obtained as required by Rule 12 or 13, undertake or commence a course of study during leave on average pay, and, subject to Rules 15 and 16, draw study allowance in respect

thereof, provided that study allowance is not drawn for an aggregate period exceeding two years during the entire service of a Government servant. This rule applies to military officers in civil employment taking leave under the Fundamental Rules.

21. On an application for study leave abroad being sanctioned by a Local Government, it should inform the Ambassador of the particulars of the case. It will be necessary for the Government servant concerned to place himself in communication with the Ambassador, who will arrange any details and issue any letters of introduction that may be required.

[Authority.- Finance Division Notification No. S.R.O. 923(1)/85, dated 8-9-1985 published in gazette of Pakistan, Extraordinary dated 1-10-1985].

Casual Leave

SI. No. 22

Amount of Casual Leave admissible during a calendar year and the maximum at a time.- It has been decided that Casual Leave upto a maximum of 20 days in a calendar year may be granted to the staff employed in the offices of the Federal Government.

[Authority.- Home Affairs Division O.M. No.34/27/48-Public, dated 13-3-1948]. SI. No. 23

Under the existing orders 20 days' Casual Leave is admissible during a calendar year, and the maximum amount that can be allowed at a time is 10 days in the case of members of staff and 15 days in the case of officers. It has now been decided that 15 days' casual leave at a time may be granted to the members of staff also. This rule may be relaxed at the discretion of the Head of Department in special circumstances in the case of officers as well as members of staff.

2. It has also been decided that Ministries, Departments, etc., should be more liberal in the grant of casual leave. Although casual leave cannot be claimed as a matter of right, it should be granted invariably unless the presence of an officer is absolutely necessary e.g. in an emergency or in very extraordinary circumstances.

[Authority.- Home Affairs Division O.M. No.9/2/53-Public, dated 12-8-1953]. SI. No. 24

A question has been raised whether casual leave can be granted within the prescribed limit at one time in such a manner as to spread it over 2 years, /.e. some portion of it in one calendar year and the rest in the following year in one stretch. It has been decided that a Head of Department may grant casual leave in one spell within the prescribed limit so as to debit a part of it against the account of one calendar year and part of it against the account of the following calendar year, provided leave is due. For instance, if a person take 15 days casual leave on the 22nd December and has to his credit 10 days casual leave in that year, there will be no objection if 10 days leave is debited against that credit and the remaining 5 days are debited to the account of the following year. In other words, he would be deemed to have taken 10 days casual leave at the end of that year and 5 days leave in the beginning of the next year.

[Authority.- Home Affairs Division O.M. No.9/1/56-Public, dated 9-8-1956]. SI. No. 25

Combination of casual leave with holidays.- Some doubts have been raised regarding the combination of casual leave with holidays. After careful consideration of the matter it has been decided that:

(a) casual leave may be prefixed or suffixed to a closed or optional holiday,

(b) casual leave may be sandwitched in between two closed or optional holidays.

2. However, if a closed or an optional holiday falls between two days of casual leave

it should also be counted as a casual leave. [Authority.- Home Affairs Division O.M. No.9/1/53-Public, dated 24-4-1953]. SI. No. 26

Procedure for grant of Casual Leave to the Secretaries to the Government and Heads of Departments.- A question has been raised as to who should grant leave to Secretaries to the Government of Pakistan.

2. According to item 56 in Appendix 13 of the Fundamental and Supplementary Rules-Volume II, the Ministries have been delegated full powers to grant leave to a gazetted Government servant not in foreign service.

3. In accordance with the above rule, the Secretary as the official head of the Division is empowered to grant leave to his subordinates. It is not, however, clear as to who is the appropriate authority for grant of leave to the secretaries. Under the Rules of Business the Minister who is the next higher authority is mainly concerned with policy matters and does not ordinarily pass executive orders himself. Normally such cases have to be submitted for the President's orders. In order to avoid frequent references to the President the following procedure has been laid down:-

(i) The Minister-in-Charge may grant casual leave upto 10 days to a Secretary to the Government of Pakistan on behalf of the President and the Establishment Division should be informed in such cases.

(ii) All cases of casual leave beyond 10 days and cases of earned leave upto a period of 1 month will be submitted through the Minister to the President for orders under intimation to the Establishment Division.

(iti) Leave applications of Secretaries for a period of more than 1 month would be endorsed by the Minister to the Establishment Division for obtaining the President's orders.

4. The above instructions, may please be brought to the notice of all concerned for strict compliance.

[Authority.- Estt. Division O.M. No. 23 (1)/69-Al, dated 18-3-1969].

SI. No. 27

Reference Establishment Division's O.M. No. 23(1)/ 69-A.I. dated 18-3-1969. With immediate effect the following procedure shall be observed for grant of casual leave to a Secretary General, Secretary or Acting Secretary to the Federal Government or to Additional Secretary/Joint Secretary Incharge of a Ministry/Division:-

(i) In cases of leave upto ten days, the Minister-in-Charge may sanction the leave and intimation to that effect given to the Secretary, Establishment Division by the Ministry/Division concerned.

(ii) In cases of leave beyond ten days, the leave application shall be submitted by the Minister-in-Charge to the Prime Minister for orders and if the leave is sanctioned, an intimation to that effect shall be given to the Secretary, Establishment Division by the concerned Ministry/Division.

2. The above instructions may be brought to the notice of all concerned for compliance.

[Authority.- Estt. Division O.M. No.10/22/83-R. 2, dated 18-11-1985].

Grant of Leave to Officers of BS-22 other than Secretaries and Heads of Departments in BS-22.

SI. No. 27-A

The competent authority has been pleased to authorize the Secretaries of Ministries/Divisions to sanction leave to officers in BS-22 and equivalent, other than Secretaries and heads of Departments in BPS-22, posted under their respective charge.

2. All orders passed in exercise of the above-delegated powers, should invariably be endorsed to Establishment Division.

[Authority: Establishment Division’s O.M. No.10/15/2000-R-2, dated 29-10-2001]

Grant of Leave to Secretaries, Heads of Departments and Heads of Autonomous Bodies.

SI. No. 27-B

The instructions issued vide D.O. letter No.10/6/90-R-2, dated 30" Jan, 1990 have been reviewed and the Chief Executive has been pleased to approve the following procedure for grant of leave to Secretaries to Federal Government Heads of Departments and Autonomous Bodies:-

(i) All requests for grant of LFP including leave ex-Pakistan, to Secretaries of Ministries/Divisions, Heads of Departments in BS-22, and Heads of Autonomous Bodies in M-I shall be submitted to Minister Incharge of the respective Ministry/Division who will be competent to grant LFP subject to title.

(ii) All requests for leave from officers mentioned at (i) above should also suggest specific arrangements for entrusting the work of the Secretary or

Head of Department or Autonomous Body, as the case may be, during the period of leave. The Minister may approve for a maximum period of three months following temporary arrangements for entrusting the work of the officer proceeding on leave to another officer:

(a) current charge of the duties of the post may be given to the senior most officer available within the organization, and

(b) where an officer of an appropriate seniority and background is not available within the organization the work may be entrusted to another officer of the same status working under the charge of the Minister.

(iii) All requests for grant of LFP to Heads of Departments in BS-21 and below and Heads of Autonomous Bodies in M-II and M-Ill, shall be decided by the Secretary of the respective Ministry/Division.

(iv) All orders passed in exercise of the powers delegated at (i), (ii) and (iii) above should invariably be endorsed to Establishment Division.

[Authority: Establishment Division’s O.M. No.10/15/2000-R-2, dated 08-04-2000] SI. No. 28

A reference is invited to the Establishment Division letter No. D-671/ 71-Fl, dated the 13th July, 1971, in which Ministries/ Divisions were requested to inform the Establishment Division about the present practice followed in regard to the method of appropriation of casual leave by the Heads of their Attached Departments and Subordinate Offices. From the replies received, the Establishment Division has observed that no uniform practice is being followed in this regard. While some officers appropriate their own casual leave without reference to the Ministry/Division concerned, and take permission only when they have to leave the station, others simply inform the Ministry/Division after the casual leave has been availed of. The question of laying down a uniform policy in this regard has been examined in the Establishment Division and the following instructions are issued for compliance:-

(1) The Heads of Attached Departments/Subordinate Offices should obtain, as far as possible, prior approval of the Ministry/Division concerned before availing themselves of the casual leave, when the purpose thereof could be foreseen in advance.

(2) In case of unforeseen and urgent circumstances when the casual leave is required for one or two days and it is not possible to obtain prior permission, he may avail of the leave and send leave application to the authority concerned immediately, and may also, if possible, inform the authority on telephone.

(3) In special circumstances when even the procedure mentioned at (2) above cannot be followed, the officers should appropriate their own casual leave and inform in writing, the concerned officer in the Ministry/Division as early as possible.

2. As regards the status of officers in the Ministries/ Divisions administratively concerned to whom the Heads of Attached Departments/Subordinate Offices should apply for casual leave, the normal procedure for applying to the next higher officer should be followed. For example, if the Head of the Department/Subordinate Office enjoys the status of Deputy Secretary to the Federal Government or is of equivalent rank, he may apply to the Joint Secretary of the Ministry/Division concerned and so on.

[Authority.- Estt. Division O.M.No.8/2/69-F.|, dated 12-3-1969]. SI. No. 29

Absence from office due to Curfew to be treated as Casual Leave.- The question as to how the absence from office of officers and staff due to imposition of Curfew should be treated has been under consideration of Government and it has been decided that such absence should be treated as Casual Leave but not debited to the causal leave account.

[Authority.- Estt. Division O.M.No.8/2/69-F.|, dated 12-3-1969].

SI. No. 30

Grant of Casual Leave ex-Pakistan.- It has been decided that the authority competent to grant leave to a Government servant can also permit him to avail himself of casual leave ex-Pakistan in special circumstances subject to the condition that the limit of 20 days casual leave as prescribed in this Division's Office Memorandum No. 9/2/53-Public, dated the 12th August, 1953 (SI. No.23) is not exceeded.

[Authority.- Home Affairs Division O.M. No.9/10/54-Public dated 27-1-1955]. SI. No. 31

According to the administrative instructions in Para V (2) of Appendix 3 of the Fundamental and Supplementary Rules, Volume II, casual leave must not be granted to a Government servant so as to cause evasion of the rules regarding return to duty. Similarly, according to Government Order No. 2 under F.R 51 the grant of return passage to Pakistan on conclusion of deputation abroad is conditional on the official's return to duty forthwith on the conclusion of the deputation, unless the arrangement to the contrary effect had been specially permitted at the time the deputation closes, or is about to close, and the proposed leave is begun. A question has been raised as to whether in view of these instructions the grant of casual leave to a Government servant deputed outside Pakistan on temporary, official duty or on training, either before the commencement or after the expiry of the sanctioned period of deputation, which, would have the effect of extending his stay outside Pakistan, would be in order. The matter has been considered in this Ministry and it is Clarified that although there is no absolute bar on the grant of casual leave outside Pakistan in such cases, it should ordinarily be discouraged and should be allowed only in exceptional circumstances.

[Authority.- Finance Division O.M.No.F.8(7)-R2 (RWP)/61, dated 17-11-1961].

Expeditious Processing of cases where

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the Medical Authority certified that a Government Servant is permanently

incapacitated for service.

SI.No.31-A

According to the provisions contained in FR 10-A, the Competent Authority is empowered to

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retire from service a government servant if the Medical Authority certifies that he is permanently incapacitated for further service. It has, however, come to the notice of the Establishment Division that quite often, cases of such government servants are not processed expeditiously. As such, the Ministries/Divisions are advised that such cases may please be processed expeditiously for seeking the orders of the competent authority.

The instructions issued vide Establishment Division's O.M. No. 14/2/95-R.2, dated 12-12-1996 are hereby rescinded.

The Ministries/Divisions are also requested to please bring the above

instructions to the notice of Attached Departments/Subordinate Offices, etc.

working under their administrative control.

[Authority: Establishment Division's O.M. No.14/2/95-R-2, dated 18-10-2000]

Employment of Government Servants with International Organizations, Foreign Governments on the basis

of leave DUE/EOL.

SL.No.31-B

Instances have come to the notice of the competent authority that often Ministries/

Divisions/Provincial Governments do not obtain approval of the competent authority through Establishment Division in case of employment of Government Servants' with International Organizations/UN Specialized Agencies/Foreign Governments on the basis of leave due/EOL. Therefore, it has been decided that the future, Ministries/Divisions/ Provincial Governments must ensure compliance with the existing requirement to obtain clearance of all such cases of employment of Government Servants (BS-17. and = above/ equivalent) with International Organizations/UN Specialized Agencies/Foreign Governments from the Special Selection Board and approval for BS-19 and above officers from the Chief

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Executive.

2. The cases of BS-16 and below/equivalent may be approved by the administrative Secretary of the Ministry/Division.

[Authority: Establishment Division's O.M. No.1/65/90-T-IV, dated 11-07-2000]

Employment of Government Servants with NGOs or Private Organizations within Pakistan.

SI.No. 31-C

The Competent Authority has been pleased to approve that any officer/Government Servant seeking permission to work with a NGO or private organization within Pakistan may be allowed to do so under FR-69 for the period of EOL that he/she is entitled to as per Leave Rules. This EOL/permission may not extend beyond five years i.e. the maximum period of EOL for which he/she is eligible under the Leave Rules.

2. The request of APUG/OMG officers for permission to work with NGOs or private organizations within Pakistan shall be forwarded to the Establishment Division for approval of the competent authority.

3. Ministries/Divisions are requested to bring the above policy decision in the notice of attached departments/sub-ordinate offices under their administrative control for compliance.

[Authority: Establishment Division's O.M. No.F.9/4/99-E-5 (DMG), dated 11-06-2001]

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Grant of Leave to Secretaries, Heads of Departments and Heads of Autonomous Bodies.

SI.No

The instructions issued vide D.O. letter No.10/6/90-R-2, dated 30°" Jan, 1990 have been reviewed and the Chief Executive has been pleased to approve the following procedure for grant of leave to Secretaries to Federal Government Heads of Departments and Autonomous Bodies: -

(v) All requests for grant of LFP including leave ex-Pakistan, to Secretaries of Ministries/Divisions, Heads of Departments in BS-22, and Heads of Autonomous Bodies in M-I shall be submitted to Minister Incharge of the respective Ministry/Division who will be competent to grant LFP subject to title.

(vi) All requests for leave from officers mentioned at (i) above should also suggest specific arrangements for entrusting the work of the Secretary or Head of Department or Autonomous Body, as the case may be, during the period of leave. The Minister may approve for a maximum period of three months following temporary arrangements for entrusting the work of the officer proceeding on leave to another officer:

(a)current charge of the duties of the post may be given to the senior most officer available within the organization, and

(b)where an officer of an appropriate seniority and background is not available within the organization the work may be entrusted to another officer of the same status working under the charge of the Minister.

(vii) All requests for grant of LFP to Heads of Departments in BS-21 and below and Heads of Autonomous Bodies in M-II and M-III, shall be decided by the Secretary of the respective Ministry/Division.

(viii)All orders passed in exercise of the powers delegated at (i), (ii) and (iii) above should invariably be endorsed to Establishment Division.

[Authority: Establishment Division’s 0.M. No.10/15/2000-R-2, dated 08-04-2000]

Employment of Government Servants with International Organizations, Foreign Governments on the basis of leave DUE/EOL.

SL.No.

Instances have come to the notice of the competent authority that often Ministries/ Divisions/Provincial Governments do not obtain approval of the competent authority through Establishment Division in

case of employment of Government Servants with International Organizations/UN Specialized Agencies/Foreign Governments on the basis of leave due/EOL. Therefore, it has been decided that the future, Ministries/Divisions/ Provincial Governments must ensure compliance with the existing requirement to obtain clearance of all such cases of employment of Government Servants (BS-17 and above/ equivalent) with International Organizations/UN Specialized Agencies/Foreign Governments from the Special Selection Board and approval for BS-19 and above officers from the Chief Executive.

2. The cases of BS-16 and below/equivalent may be approved by the administrative Secretary of the Ministry/Division.

[Authority: Establishment Division’s 0.M. No.1/65/90-T-IV, dated 11-07-2000]

Expeditious Processing of cases where the Medical Authority certified that a Government Servant is permanently incapacitated for service.

S1.No.

According to the provisions contained in FR 10-A, the Competent Authority is empowered to retire from service a government servant if the Medical Authority certifies that he is permanently incapacitated for further service. It has, however, come to the notice of the Establishment Division that quite often, cases of such government servants are not processed expeditiously. As such, the Ministries/Divisions are advised that such cases may please be processed expeditiously for seeking the orders of the competent authority.

2. The instructions issued vide Establishment Division's O.M. No. 14/2/95-R.2, dated 12-12-1996 are hereby rescinded.

3. The Ministries/Divisions are also requested to please bring the above instructions to the notice of Attached Departments/Subordinate Offices, etc. working under their administrative control.

[Authority: Establishment Division's 0.M. No.14/2/95-R-2, dated 18-10-2000]

S1.No.

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification S.R.0. 120 (I)/98, dated 27 February, 1998, the Chief Executive is pleased to direct that the following further amendments shall be made in the Revised Leave Rules, 1980, namely: -

2. In the aforesaid Rules, in rule 18, -

(1)In sub-rule (2) for clause (i) and (ii) the following shall be substituted namely: -

"(i) For civil servants in BPS-17 and above. Chief Executive. (ii) For civil servants in BPS-17 to 19 Appointing Authority

prescribed in rule 6 of

the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; and

(iii) For civil servants in BPS-16 and below Appointing Authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973"; and

(2) For sub-rule (4), the following shall be substituted namely: -

"(4) All proposals regarding refusal of Leave Preparatory to Retirement to the Officers in BPS-17 and above shall be submitted to the respective appointing authorities with detailed justification at least three months before the officer is due to proceed on such leave".

[Authority: Finance Division (Regulation Wing) Notification No.F.1 (2) R-4/2000, dated 21-02-2001]

S1.No.

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification S.R.0. 120 (I)/98, dated 27° February, 1998, the Chief Executive is pleased to direct that the following further amendments shall be made in the Revised Leave Rules, 1980, namely: -

2.4 In the aforesaid Rules, in rule 18, -

(1)In sub-rule (2) for clause (i) and (ii) the following shall be substituted namely: -

"(i) For civil servants in BPS-20 and above. Chief Executive. ii) For civil servants in BPS-17 to 19 Appointing Authority

prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; and

(iii) For civil servants in BPS-16 and below Appointing Authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973"; and

(2)for sub-rule (4), the following shall be substituted namely: -

"(4) All proposals regarding refusal of Leave Preparatory to Retirement to the Officers in BPS-17 and above shall be submitted to the respective appointing authorities with detailed justification at least three months before the officer is due to proceed on such leave".

[Authority: Finance Division (Regulation Wing) Notification No.F.1 (2) R-4/2000, dated 21-02-2001]

Grant of Leave to Officers belonging to Services/ Cadres controlled by Establishment Division.

SI.No

It was laid down in Establishment Division O.M. No. 10/22/83-R.2, dated 18- 11-1985, that before granting leave of three months or more to officers belonging to the services/cadres controlled by the Establishment Division it was necessary to consult the Establishment Division, if a substitute of the officer is required. It

has come to the notice of the Establishment Division that, in some cases, Ministries/Divisions and the Provincial Governments have sanctioned long leave to officers, belonging to the services/cadres controlled by the Establishment Division without consulting the Establishment Division on the plea that no substitute was required. Consequently, orders of their inter-provincial transfers and nomination for training could not be implemented.

2. In view of the above position, the aforesaid instructions have been reviewed and it has been decided that, henceforth, the Establishment Division shall be consulted prior to the grant of leave to officers of the APUG and OMG for a period exceeding four months.

3. In this connection attention is also invited to the instructions printed at SI.No. 10 and 11 at pages 830-831 of ESTACODE, 2000 Edition wherein it has been

laid down that when an officer is transferred from one department to another, no leave should be sanctioned to him by the department from which he is transferred; in such cases, leave can be allowed only by the authority under whose control the transferred officer has to go.

4. The Ministries/Divisions are requested to ensure compliance of the above instructions also to bring these to the notice of Attached Departments, Subordinate Offices, Autonomous/Semi-Autonomous Bodies/Corporations under their administrative control.

[Authority: Establishment Division's 0.M. No.10/13/2001-R-2, dated 01-03-2001]

Employment of Government Servants with NGOs or Private Organizations within Pakistan.

SI.No

The Competent Authority has been pleased to approve that any officer/Government Servant seeking permission to work with a NGO or private organization within Pakistan may be allowed to do so under FR-69 for the period of EOL that he/she is entitled to as per Leave Rules. This EOL/permission may not extend beyond five years i.e. the maximum period of EOL for which he/she is eligible under the Leave Rules.

2. The request of APUG/OMG officers for permission to work with NGOs Or private organizations within Pakistan shall be forwarded to the Establishment Division for approval of the competent authority.

3. Ministries/Divisions are requested to bring the above policy decision in the notice of attached departments/sub-ordinate offices under their administrative control for compliance.

[Authority: Establishment Division's 0.M. No.F.9/4/99-E-5 (DMG), dated 11-06-2001]

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Grant of Leave to Officers of BS-22 other than Secretaries and Heads of Departments in BS-22.

SI.No

The competent authority has been pleased to authorize the Secretaries of Ministries/Divisions to sanction leave to officers in BS-22 and equivalent, other than Secretaries and heads of Departments in BPS-22, posted under their respective charge.

2. All orders passed in exercise of the above-delegated powers, should invariably be endorsed to Establishment Division.

[Authority: Establishment Division’s 0.M. No.10/15/2000-R-2, dated 29-10-2001]

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Conversion of Extraordinary Leave

into another kind of leave.

SI.No

The Finance Division has been receiving reference regarding conversion of Extraordinary Leave (EOL) without pay into other kinds of leave. It is clarified that following special features of the EOL need to be kept in view while dealing with such cases:-

(e) Pay and allowances are inadmissible during EOL. Annual increments also are inadmissible under FR-26.

(fF) The period of EOL is not counted towards pension either under CSR 361.

(g) EOL can cover a period of unauthorized absence; either under administrative order vide Rule 9(3) of Revised Leave Rules 1980 or on the courts directions.

(h) The period of EOL is not considered as period spent on duty under FR-9 (6).

2. Due to the special characteristics of EOL stated above, no rule has been framed for its conversion into another kind of leave retrospectively because it not only involves payment of salary for the previous EOL period but would also involve change in_ the direction/orders of the authority. Moreover, a Government servant under rule 24 of revised Leave rule 1980, has been given the option to apply for any kind of leave. Leave sanctioning authority has no power to change the nature of leave. This option, once exercised by _ the Government servant is considered as final. Sometimes cases’ for retrospective conversion of EOL into another kind of leave are moved on the basis of CSR 232 (3) inspite of the fact that CSR 232 (3) does not specifically deal with EOL. Similarly, Government decision (3) under FR- 87 cannot be used for conversion of EOL into another kind of leave because the said rule governs the leave salary. In the light of foregoing position, it has been decided that EOL cannot be converted into any other kind of leave respectively.

3. Ministries/Divisions of Federal Government are requested to

circulate the aforesaid decision to their attached Departments and Subordinate Offices for information and compliance.

[Authority: Finance Division (Regulation Wing) O.M. No.F.1 (12) R-

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4/97, dated 07-01-2002]

Encashment of L.P.R.

SI.No

Reference Finance Division’s Office Memorandum No. F.1(8) R-4/90, dated 2™ June, 1991 on the subject and to state that competent authority has been pleased to withdraw the O.M. referred to above with immediate effect.

[Authority: Finance Division (Regulations Wing) O.M. No. F.1 (2) R-4/2001, dated 12-03-2002]

Encashment of L.P.R.

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SI.No

Reference Finance Division’s Office Memorandum No. F.1(2) R- 4/2001, dated March 12, 2002 on the subject. Through the aforesaid O.M. this Division’s earlier O.M. No. F.1(8)-R.4/90, dated 2™ June, 1991 (copy on reverse page) has been withdrawn being contradictory to rule 18-A (1) of Revised Leave Rules, 1980. The cancellation of O.M. dated 02-06-1991 have created the impression as if the facility of encashment of LPR has been discontinued which is not correct. The 0.M. dated 02-06- 1991 stipulates that encashment of LPR is admissible on completion of 31 years service. On the other hand under Rule 18-A (1), encashment of LPR is admissible on superannuation or thirty years qualifying service. Therefore, with the cancellation of this Division O.M. No. F.1(8)- R.4/90, dated 02-06-1991, the cases regarding encashment of LPR may be decided under rule 18-A (1) of Revised Leave Rules, 1980.

[Authority: Finance Division (Regulations Wing) O.M. No. F.1 (2) R-4/2001, dated 27-03-2002]

Permission to seek Private Employment by Civil Servants

during LPR without two years of retirement.

SI.No

In continuation of Establishment Division’s Office Memorandum No. 8/1/81/D4/D3, dated 30° June, 1981, the undersigned is directed to

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enclose a revised proforma which is required to be filled in by civil servants who may be desirous or seeking private employment during LPR or within two years of the date of the retirement, in accordance with Section 14 of the Civil Servants Act, 1973.

2. All Ministries/Divisions are requested to circulate the above instructions/proforma among their employees.

[Authority: Establishment Division’s 0.M. No. 8/1/81/D4/D3, dated 17-07-2002]

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APPLICATION FORM FOR SEEKING PRIVATE EMPLOYMENT DURING LPR/WITHIN TWO YEARS OF RETIREMENT

Als Name 2. Appointments held during last 5 years of service: Post(s) held | Department(s)/Organization(s) | Total Period with BPS of Stay From TO 3. Nature of Retirement (*) 4. Date of Proceeding on LPR oe Date of Retirement 6. Particulars of Private Employee (vi) Name of organization: (vii) Law under which registered (viii) Composition of the Board of Directors (ix) Nature of business etc (x) Location of Head Office 7. Designation of the Post and Pay Offered: 8. Nature of duties 9. Whether the firm had official dealings with any of the department in which the officer served during the last five years. If so please give details: 10. Any other information Signature with Designation/Grade of last post held and Organization

Please indicate one of the following: -

(vi) On attaining the age of superannuation.

(vil) Voluntary retirement on completion of 25 years service,

(viil) Premature retirement, under Section 13(1)(1) of Civil Servants Act, 1973.

(1x) Compulsory retirement on account of disciplinary action.

(x) Retirement on medical grounds.

(Additional sheet(s) may be added where necessary)

(From Chapter-X)

Re-Employment of the Retired Officer of the

Armed Forces of Pakistan in Civil

SI.No

As per policy circulated vide Establishment Division's O.M. No. 14 (5)/78-D-Ill, dated 10-02-1980, as amended from time to time, the retired officers of the Armed Forces are eligible for re- employment, on the recommendations of the DSOSB, against 10% of the annual vacancies, in the specified Ministries/Divisions/Departments/service groups of the Federal Government as per procedure/instructions outlined therein. Separate Selection Boards are set up in the provincial governments and in the corporations and autonomous/semi-autonomous bodies to select suitable retired officers of the Armed Forces for re-employment under these governments/corporations etc.

2. The competent authority has been pleased to approve the following further guidelines on the subject: -

(i) AS a matter of principle all requests for re- employment of retired officers of the Armed Forces may invariably be sent to the Services HQ for proper scrutiny & placing before the DSOSB as per policy and individual requests may not be entertained. AS per its existing charter, the Defence Services Officers Selection Board (DSOSB) shall consider cases strictly against 10% annual vacancies in the specified departments/ organizations/groups/ services listed in Annexure-I.

(iii) Employments/re-employments of Defence Services

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Officers in civil over and above 10% annual vacancies quota shall continue to be processed by the Establishment Division in coordination with the Defence Division and Services Headquarters/W&R Dte. Of GHQ, after such proposals are cleared by the Chief Executive of Pakistan on merit of each case, and in the public interest.

3. It is requested that these instructions/guidelines may be noted for strict compliance and circulated amongst all the departments/organizations/groups services etc. working

under the

Ministries/Divisions of the Federal

Government/Provincial Governments for similar action.

[Authority: Establishment Division's O.M. No. 3/69/2000-CP-7, dated 27-03-2001]

BPS MIN INCR STAGES MIN INCR MAX STAGES MAX 1 1870 55 30 2150 65 30 3520 4100 2 1815 65 30 2200 15 30 3865 4450 3 1980 15 30 2275 85 30 4230 4825 4 2040 85 30 2345 100 30 4590 5345 5 2100 100 30 2415 115 30 5100 5865 6 2160 110 30 2485 125 30 5460 6235 vi 2220 120 30 2555 140 30 5820

6755 8 2310 130 30 2655 150 30 6210 7155 9 2410 145 30 2/10 165 30 6760 7720 10 2490 160 30 2865 185 30 7290 8415

11 2590 175 30 2980 200 30 7840 8980

12 2745 195 30 3155 225 30 8595 9905

13 2925 215 30 3365 245 30 9375 10715

14 3100 240 30 3565 275 30 10300 11815

15 3285 265 30 3780 305 30 11235 12930

16 3805 295 30 4375 340 30 12655 14575

17 6210 465 20 7140 535 20 15510 17840

18 8135 585 20 9355 675 20 19835 22855

19 12400 615 20 14260 705 20 24700 28360

20 14710 950 14 16915 1095 32245 14 28010

21 16305 1070 14 18750 1230 14 31285 35970

22 17440 1250 14 20055 1440 40215 14 34940

CHAPTER VIII

PENSION AND GRATUITY

PENSION AND GRATUITY

Government Servants right to retire with pension on completion of 25 years service qualifying for pension

SI.No. 1

Subject to the provisions of Essential Services Maintenance Act, all Government servants shall have the right to retire on a Retiring Pension after completing 25 years qualifying service; provided that a Government servant, who intends to retire before attaining the age of superannuation, shall, at least three months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire. Such an intimation, once submitted, shall be final and shall not be allowed to be modified or withdrawn. ‘The right given by this paragraph shall not however be available to Government servant against whom a departmental enquiry is pending. [Authority. - Finance Division O.M. No. O. B. 2/12/63-Imp.(l) dated 18-8-1966]. Note.- PI. see Article 465-B (as amended), Civil Service Regulations.

Note.- Rules regarding (i) conditions of qualifying service, (ii) conditions of grant of pension, (iii) amount of pension etc. are contained in Part IV of the Civil Service Regulations. These rules have been reproduced, with necessary amendments, in the Manual of Pension Procedures 1999 edition published by the Pakistan Public Administration Research Centre, M.S. Wing, Cabinet Division. The Manual may also be consulted for (i) Pension-cum-Gratuity Scheme, 1954, (ii) Revision of Pension Rules and Rates etc.

‘amended vide Finance Division O.M. No.O.B.2/12/63-Imp.(I), dated 14-12-1967.

Orders/instructions for preparation of pension papers

SI. No. 2

Revised procedure for maintenance of Service Books of non-gazetted officials.-The question of eliminating delay in the finalization of pension papers in respect of the Government servants has been under consideration of this Ministry for some time past. In this connection,it has been pointed out that one of the factors which greatly contribute towards delay in the settlement of pension cases is the difficulty in verifying the qualifying service of the Government servant concerned due to the in-completeness of his service records. According to the existing rules, the Head of Office has to prepare the statement of service in the prescribed form of application for pension

*(CSR.25), and get it verified by the Audit Officer. For this purpose, the particulars of service of the non-gazetted staff are ascertained from their Service Books.It has been noticed that the maintenance of Service Books has been far from ideal with the result that protracted correspondence between the Audit Office and Departmental authorities regarding the service particulars often becomes inevitable. In order to obviate the delay thus caused, the Ministries/Divisions are requested to ensure that the Service Books of the staff are properly maintained as prescribed in "S.R.199 and that no entry is allowed to fall in arrears in any case. The annual verification shall also be conducted in accordance with the rule 121 of the General Financial Rules, Volume I, and necessary certificates recorded in the Service Books every year. The attention of the non-gazetted officials serving in Ministries/Divisions, etc., may also be drawn to the provisions of S.R.202 and they may be encouraged to inspect their Service Books periodically in order to satisfy themselves about their correct maintenance. This will facilitate to a large extent the preparation of statement of service and verification of service for pensions.

[Authority.-Para 1 of Finance Division O.M. No. F.2(3) Reg. (S)/63-III, dated 5-6-1964].

* Civil Service Regulations (CSR). "Supplementary Rules amended (SR).

SI. No. 3

It has been observed that the root cause of all delays in the settlement of such cases lies in the fact that the Service Books are either incomplete or are not properly maintained. It has also been observed that Government servants do not take much interest in the proper maintenance of their service books with the result that when their case is taken up for preparation of pension papers it takes a long time to finalise it. With a view to bringing home to them the requirement of S.R 197 to 203, the attention of all Government

servants has been drawn through a Press Note to the provisions of those Rules and they have been advised in their own interest to examine their Service Books occasionally in order to see that they are not only properly maintained but the entries made in them are complete in all respects.

[Authority. - Finance Division d.o. letter No.F.4(1)-R(S)II/67, dated 28-3-1967].

SI. No. 4

(i) The Ministries/Divisions/Departments should ensure that their Administrative Sections open up the History Files and Service Books of all the Officers and staff and keep them up-to-date and correctly.

(iit) The verification of service in the case of non-gazetted employees must be completed as required under the rules and a certificate to this effect recorded in the Service Book which must be shown to the Government servant concerned each year.

[Authority.-Finance Division O.M. No. F.4(8)-RS-II/68, dated 10-5-1969].

SI. No. 5

Service Books of non-gazetted officials to be maintained in duplicate. - The Government has been considering the question of removing the various bottlenecks in the way of expeditious disposal of pension cases. One of the main causes of delay in the disposal of pension cases arises from the fact that service books of non-gazetted staff are either incomplete or are misplaced or lost. With a view to eliminating delays on this account, it has now been decided that the service books of all non-gazetted Government servants should be

maintained in duplicate and that one copy of the service book should be kept in the custody of the Government servant concerned who will pay the cost of the service book and will also be required to ensure that all entries in his service book are recorded and attested in time.

2. For the purpose of the grant of pension/gratuity, increment etc. to the Government servants only the original copy of the service book will be consulted, the duplicate copy of the service book would serve aS a means for completion of the original service book or its reconstruction in the event of its being lost or destroyed.

3. All Ministries/Divisions are requested to give effect to the decision immediately and in the case of existing personnel, duplicate copies of service books, complete with all entries up-to-date, should be handed over to them within six months of the date of Finance Division Office Memorandum.

[Authority.-Finance Division O.M. No. 4(7) RSII/69, dated 4-6-1969]. SI. No. 6

One of the main causes of delay in the timely sanction of pension is the incomplete entries and lack of prescribed periodic checks of the service books. To meet this difficulty, orders were issued in this Division O.M. No. F. 4(8) RSII/68, dated the 10th May, 1969 (SI. No. 4). In order to ensure observance of the said instructions it has been decided that the administrative Ministries should, where the work load so justifies, exclusively designate a whole-time officer for supervising the maintenance of service books. In any case the responsibility in this respect should be clearly defined and assigned. The entries in the service book should be clearly made, verified and attested by the officer so designated as already laid down in the Rules. Officer next above the designated officer or the head of an office where he is the designated officer by virtue of

being the only officer in the office should record an annual certificate in the service book in token of the correctness of the entries made therein. In partial modification of the orders issued vide this Division O.M. No. F. 4(I) RSII/70, dated the 24th March, 1971 (Annexure), these service books should be got verified from the Audit Office after the 10th and 24th years of service of the official concerned. On the basis of these certificates the head of office should also record a consolidated certificate in respect of the entire service period in the following form : -

Service on... eeeeeee eee FLOM ....eeee eee LO dsesctin heeaes verified

There is no known disqualifying spell during the above service except as detailed below :-

(The period and nature of spell(s) to be indicated). 1. 2. 3:

This certificate should be recorded before submission of the case to the Audit Office. The latter shall accept it as a final proof of verification of service.

2. As laid down in this Division O.M. No. F. 4(7) RSII/69, dated the 4th June, 1969, the service book should be maintained in duplicate, the duplicate copy being kept in the custody of the government servant. Entries in the duplicate service book shall as far as possible be made simultaneously with those in the original service book. However, only the original copy of service book would constitute the authority for the sanction of Pension; the duplicate

service book would serve as a means of contemporary evidence. In the case of transfer of government servant the original service book, duly completed to the date of transfer, should be sent to the new head of the department and a copy of entries relating to the office from which transfer takes place shall be maintained in that office; a certificate to this effect shall invariably be recorded in the covering letter under which the service book is transferred.

[Authority.-Para 1(6) & (c) of Finance Division O.M.No.F.5(1)-Reg.(6)/77, dated 24-2-1977].

ANNEXURE Copy of the Finance Division O.M.No.F.4(l)-RSII/70, dated 24.3.1971.

MEASURES TO CHECK DELAYS IN THE SETTLEMENT OF PENSION CASES.

With a view to achieving expeditious finalization of pension cases of Government servants instructions have been issued from time to time, identifying the causes to which the delay for the payment of pension can be attributed and how best these could be eliminated. It is, however, observed that even now delays do occur in the settlement of pension cases. The position has, again, been reviewed by Government and it has decided that :-

(i) the service of a Government servant should be got verified by the Audit Office as soon as he has completed 10 years' service;

(ii) thereafter, the next verification should be on completion of 25 years' service, /.e., in respect of the intervening 15 years; and

(iii) finally, it should be verified, in respect of the period after 25 years when a Government servant is actually due to retire.

2. The length of pensionable service accepted in audit through the verification at different stages mentioned above may in the case of non-gazetted Government servants be recorded in both the copies of the Service Book with the stamp of verification duly authenticated. In the case of Gazetted officers the fact of verification will appear in the History of Services but if the History is not kept up-to-date at frequent intervals, the officer concerned may be informed of the accepted length of pensionable service through a letter.

3. The Ministries/Divisions are requested to take necessary steps to implement the above decision. SI. No. 7

The President has also been pleased to decide that the preparation of the Annual Establishment Returns as required under Rule 119 of the General Financial Rules, Volume |, shall be discontinued forthwith and the Service Books shall be taken as the

sole basis for verification of non-gazetted service for pension.

2. The revised procedure outlined above has been worked out in consultation with the Comptroller and Auditor-General.

[Authority. - Para 2 of Finance Division letter No.F.2(3).Reg.(S)/63-Il, dated 4-6-1964].

SI. No. 8

History Files of Gazetted Officers. - All Divisions/

Departments/Offices should maintain a "History File" of each gazetted officer. This File should contain (a) gazette notifications, (b) charge reports, (C) a separate card or booklet showing the dates of assumption and relinquishment of each post and emoluments drawn and (d) a leave account showing the various kinds of leave taken by the officer from time to time. As soon as an officer is transferred to another Department or Office, his "History File" should also move with him to the new Office or Department. This "History File" should be shown to the officer concerned in January every year and his acknowledgement obtained on it after settling any discrepancy that may be noticed.

[Authority. - Para (ii) of Finance Division O.M.No.F.2(3)-Reg.(S)/63-Il, dated 4-6-1964].

SI. No. 9

In connection with the maintenance of History Files in accordance with the instructions issued in this Ministry's O.M. No. F. 2(3)-Reg. (S)/63-l, dated the 4th June, 1964 it is clarified for general information that the History Files of the officers belonging to the Services controlled by the Establishment Division /.e., CSP, GAR, CSS, Economic Pool, shall be maintained by the Division/ Department in which the officer is appointed from time to time and not by the Establishment Division. Where such an officer is transferred to another office his History File should also be sent to his new Department who will then be responsible to maintain it for so long as he remains in that Department.

[Authority. - Finance Division O.M. No. D. 569-Reg.(Spl.) II/67, dated 15-7-1967].

SI. No. 10

The question of carrying out further improvement in the procedure for sanction of pension has again been considered in the meeting on Simplification of Procedures held on the 15th April, 1969 and the following decisions were taken :-

(a) Service records etc.

(i) The Ministries/Divisions/ Departments should ensure that their administrative Sections open up the History Files and Service Books of all the officers and staff and keep them up-to-date and correctly.

(ii) Deleted.

(iii) | The Audit Offices should compile History of Services regularly and keep them up-to-date.

[Authority. - Finance Division O.M. No. 4(8)-R-SII/63, dated 10-5-1969].

SI. No. 11

No Demand Certificate. - Another cause of delay in settling pension cases is stated to be the "No-Demand Certificate" which is one of the documents to be furnished with the pension papers to the Audit Officer. It has been reported that it usually takes a very long time to furnish this document. It may be stated in this connection that departmental demands generally arise against an officer due to the advances taken by him for the purchase of conveyance, or for building a house, and also on account of his occupation of Government quarters. Occasionally, there are also cases in which the issue of "No-Demand Certificate" by the Department is held up

because some recoveries are due from the applicant on account of defalcation, misappropriation or misuse of Government funds. In order to obviate delay in the issue of "No-Demand Certificate" due to the causes enumerated above, the following steps should be taken by the administrative authorities concerned: -

(i)

(ii)

(ii)

The rules regarding the mortgaging of properties acquired, built or purchased out of Government advances should be strictly enforced;

The Departmental authorities, while commencing the preparation of the pension papers of a Government servant, should consult the records and see whether any recoveries are due from him on account of misuse of

Government funds or losses caused to Government. If there are any such dues, early steps should be taken to complete the recoveries of the dues before the date of retirement. If any disciplinary action in this behalf has to be initiated, this should be done at once so that it may be possible to finalize the case and complete the recoveries before the date of retirement. In case such action has already been initiated, steps should be taken to finalize it as quickly as possible so that recoveries may be completed well in time ;

As soon as the Government servant applies for retirement, his Office/Department should alert the Estate Office so that his rent account is brought up-to-date and the outstanding dues, if any, are realised before the date of retirement. The Rehabilitation and Works Division has already instructed the Estate Office that the "No-Demand Certificate" should be issued to a retired Government servant as soon as all dues up to the date of retirement have been realized. In case a

retired Government servant is allowed to continue in occupation of Government quarter after the date of retirement, the Estate Office will in future ensure recovery of rent by obtaining personal sureties instead of withholding the "No-Demand Certificate”.

[Authority. - Para 2 of Finance Division O.M.No.F.2(3)Reg.(S)/63-IIl, dated 5-6-1964].

SI. No. 12

The pension rules do not authorise withholding of pension, if otherwise payable, due to non-issue of "No-Demand Certificates’ in favour of a retired Government servant, and as a further step to eliminate delays in the payment of pension to retired Government servants or their families, the following further decisions have been

taken : -

(i)

(ii)

Requests for furnishing "No-Demand Certificate" should be made to all concerned at least six months before the date of retirement of the Government servant. If any demand is outstanding against the officer, it must be intimated not later than 15 days after the date of retirement (which should be specified in the request for "No-Demand Certificate"). In case the demand is not intimated within the above time limit the pension should not be held up on that account and the department/ office which has failed to intimate an outstanding demand by the due date should be held responsible.

In respect of secured advances, such as house building and conveyance advances which are given against the security of the house or the conveyance etc., the retired Government servant should be requested to give his consent to any recoveries due from him being effected

from the pension (gratuity payable to him). In case he fails to give such consent, appropriate legal action should be taken to effect the recoveries on the basis of the mortgage deeds executed by him at the time of drawing the advance.

(ili) | No unsecured advances, such as advances of pay, travelling allowance, etc., should ordinarily be granted to any Government servant within six months of the date of his retirement. If any such advance or other Government dues are already outstanding, they should be recovered from his pay or leave salary for the six months’ period up to the date of his retirement.

2. If, for special reasons, it becomes necessary to grant an advance of pay, travelling allowance, etc., to any Government servant within six months of his retirement, he should be required to furnish security of a permanent Government servant, who is not due to retire within one year, before the advance is paid to him.

[Authority. - Finance Division O.M.No.F.2(3)-Reg.(S)/63-V, dated 27-3-1965].

SI. No. 13

It has come to the notice of Finance Division that payment of pension is being delayed in a number of cases due to the fact that retiring Government servant has not cleared Government dues outstanding against him.

2. Departmental demands generally arise against a Government servant due to the advances taken by him for the purchase of conveyance; for building a house or for the purpose of T.A. etc. In some cases, recoveries are due from retiring Government

servants on account of defalcation, misappropriation or mis-use of Government funds.

3. It has been observed that failure to effect recovery of the dues outstanding on account of the secured advances such as house building and conveyance advances which are given against the security of the house or the conveyance, etc. is generally due to the non-observance of prescribed procedure laid down in the relevant rules for obtaining necessary loan agreements, mortgage deeds, etc. In the case of unsecured advances, such as advances of pay, travelling allowance and recoveries of the nature referred to above, steps are not taken by the administrative authorities at the appropriate time for the recovery of the dues before the date of retirement.

4. With a view to eliminating delay in the disposal of pension cases on this account, and also to safeguarding Government interest in this behalf, it is requested that the following measures may please be invariably taken :-

(i) It should be ensured that all secured advances made to Government servants are properly and adequately secured with mortgage deeds, agreements, etc. as prescribed under the rules.

(ii) All the existing cases of grant of secured advances should be reviewed and steps taken to secure loan agreements, etc., from the official concerned, if this has not already been done.

(iii) It should be ensured that suitable steps are taken at the appropriate time so as to complete the recovery of other Government dues before the date of retirement.

(iv)

Officials responsible for the grant of and recovery of advances and other outstanding dues should be warned that should, an advance or any other amount due from the Government servant be found to be irrecoverable due to the non-observance of prescribed procedure/rule and/or negligence, it will be liable to be recovered from those officials.

5. The above decision may also be circulated among the Heads of Departments/ Offices who should be made responsible for their proper implementation.

[Authority. - Finance Division O.M. No. F. 4(4)-RS/66, dated 29-9-1967].

SI. No. 14

It has been decided with a view to further simplification of procedure that :-

*

(ii)

* * * * * * *

The payment of pensions should not be held up for his family (in the event of his death before retirement) agrees that the demand coming to notice within a period of one year after the issue of the PPO may be recovered from the pension. Failure to intimate recoveries even during this extended period should result in the amount involved being recovered from the official responsible for the delay.

[Authority. - Para 2 (iii) of Finance Division O.M.No.F.4(l)-RS/67, dated 17-4-1967].

SI. No. 15

The decision contained in (SI.No.14) could not be applied to Government servants who retired with less than 10 years' service and as such were entitled to a service gratuity only, as in their case once the gratuity was paid, it would not be possible to recover Government dues coming to light afterwards. The payment of such gratuity could, therefore, be made only after the "No Demand Certificates" have been issued by the authorities concerned. In order, however, to avoid hardship in such cases also it has been decided that applying the principle adopted in the case of pensioners, the payment of gratuity should not be withheld for more than one year after the date of retirement. The outstanding Government dues coming to light within this period may be recovered from the amount of gratuity which should be paid after one year of the date of retirement without insisting on the "No Demand Certificate" and the responsibility for Government dues, if any, coming to light thereafter should rest with the officials responsible for the delay.

[Authority. - Finance Division O.M. No. F. 4(I)-RS. II/68, dated 3-2-1968].

SI. No. 16

Departments should check the personal records of the retiring Government servants one year before the expected date of his retirement to ascertain the outstanding dues against him so that such dues could come in time and recovery effected before the official actually retires.

[Authority. - Finance Division O.M.No.F.4(8)- RS-II/68,dated 10-5-1969].

SI. No. 17

In sub para (iii) of para 2 of the Finance Division O.M. No. F. 4 (1)-RS/67, dated the 17th April, 1967, it was laid down that the payment of pension should not be held up merely for want of No Demand Certificate and that the pension might be sanctioned if the pensioner or his family (in the event of his death) agreed that the demand coming to notice within one year after the issue of the P.P.O. be recovered from the pension. With a view to improving the position still further all the Secretaries and Joint Secretaries-in-Charge of various Ministries/Divisions were issued further instructions by this Ministry under D.O. letter No. F. 4(8)-RS. II/68, dated the 16th May, 1970, in which it was, inter alia suggested that in a case where No Demand Certificate was not available the administrative authorities should obtain the undertaking referred to above, before submitting the pension case to the Audit Office.

2. According to the existing simplified procedure the administrative sanction to the grant of pension is to be accorded and the pension papers are required to be submitted to the Audit Office at least three months before the actual date of retirement. The above instructions, therefore, tend to give an impression that an undertaking for the recovery of outstanding Government dues from the pension/gratuity is required to be furnished by the Government servant before the actual date of retirement. The legal validity of such an undertaking has been reviewed and it has been held that any consent given by a person for recovery of outstanding Government dues from pension/gratuity before it has become payable is ultra vires of the provisions of Section 12 of Pension Act, 1871 and would not, therefore, be valid. It has accordingly been decided that instead of obtaining undertaking in question before the actual date of retirement the cases in which No Demand Certificate is not available, P.P.O. may be issued by the Audit Officer concerned for payment at a treasury, subject to the production of an undertaking, at the time of the first payment of the pension/gratuity, by the pensioner, or his family (in the case of his death), to the effect that any demand coming

to the notice within a period of one year after the issue of P.P.O. would be recoverable from the pension.

3. These instructions may be considered to have superseded all the previous instructions issued in this behalf by this Ministry.

[Authority. - Finance Division O.M. No. F. 4(1)-RS/67, dated 13-8-1971].

SI. No. 18

Under the existing orders contained in Finance Division O. M. No. F. 4(1)-RS/67, dated the 17th April, 1967 and No. F. 4(1)-RS/67, dated the 13th August, 1971, payment of pension is not to be held up for want of "No Demand Certificate". This is for strict compliance by all concerned. It is therefore, not necessary to enclose the "No-Demand Certificate" with the pension papers when they are not sent to the Audit Office. It has, however, come to notice that some time production of "No-Demand Certificate" is insisted upon before sanction of pension. The Head of the Department should, while initiating action of pension papers, simultaneously notify to the Estate Officer or other organizations which are likely to prefer a demand, to verify the position in respect of demand outstanding against the official concerned within a period of three months and to keep a close supervision of the current demands. The administrative department should also send the requisite certificate to the Audit Office 15 days before the date of issue of prescribed PPO. The administrative department should, however, obtain an undertaking from the government servant concerned that the outstanding dues, if any, would be paid by him from his pension provided such demands were preferred within one year of date of retirement.

[Authority. - Para \(d) of Finance Division O.M. No.F.5(1) Reg. (6)/77, dated 24-2-1977 as amended vide Finance Division 0.M.No.F.5(1)Reg.(6)/77, dated 11-5-1978].

SI. No. 19

Recovery of Pension Contributions. - (i) Full particulars of the officers and _ staff proceeding on foreign service must be communicated promptly to the Audit Offices.

(iit) The Departments should ensure that recoveries of pension and leave salary contributions in respect of all officials who are on foreign service have been effected and accounted for by the Audit Officer.

(iii) Unless the official was himself liable to pay the pension contributions, the issue of his Pension Payment Order should not be held up for want of receipt of such contributions.

[Authority. - Finance Division O.M. No. F. 4(8)-RS.II/68, dated 10-5-1969].

SI. No. 20

Lists of Officers due for retirement....... In consultation with the Comptroller and Auditor General, the President has been pleased to direct as follows :-

(i) The Heads of Departments (in the case of gazetted officers) and Heads of Offices (in the case of non-gazetted employees) should start the preparation of pension papers in each case one year before the expected date of retirement without waiting for the formal application from the Government servant concerned which, according to the existing rule, is to be submitted not earlier than six months before the date of retirement. For this purpose, all Divisions/Departments/ Offices should maintain a list showing the dates of

retirement of all their officers/employees and this list should be reviewed quarterly. It should also be ensured that all the preliminary enquiries, filling of forms, verification of qualifying service, etc., are completed by the time the officer submits the formal application six months before the date of retirement.

* * * * * * * *

[Authority. - Finance Division O.M. No. F. 2(3)-Reg.(S)/63-I, dated 4-6-1964]. SI. No. 21

The Departments should maintain lists of employees of all categories who are due to retire in a calendar year.

[Authority. - Finance Division O.M. No. F. 4(8)RS-II/68, dated 10-5-1969]. SI. No. 22

Nomination for death-cum-retirement gratuity, pension, pay and allowances. - The existing nominations obtainable in Forms A&B from the government servants under sub-para 2&3 of Rule 2 under Section | - 'Gratuity' below Annexure to Pension-cum-Gratuity Scheme, 1954, do not provide for pension (including family pension) and pay and allowances which at times result in the delay in the finalization of pension cases. It has, therefore, been decided that the government servants may submit the nominations in the revised forms °A' & "B' specimen of which are enclosed. Ministries/ Divisions, etc., are requested that this may be brought to the notice of every government servant and the nominations obtained in the revised forms. The nominations in the prescribed forms may be communicated to the Audit Officer concerned in case of gazetted officers and to the head of office concerned in case of non-gazetted employees.

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[Authority. - Finance Division O.M. No. F. 6(l)-Reg.(6)/80, dated 3-5-1980].

FORM "A"

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY/PENSION/PAY AND ALLOWANCES

(WHEN THE GOVERNMENT SERVANT HAS A FAMILY AND WISHES TO NOMINATE ONE MEMBER THEREOF).

|, hereby, nominate the person mentioned below, who is a member of my family, and confer on him the right to receive any gratuity and the pension that may be sanctioned by the government and arrears of my pay and allowances due to me, in the event of my death while in service and the right to receive gratuity, pension and pay and allowances on my death which having become admissible to me on retirement may remain unpaid at my death.

Name and Relationship Contingencies on the Name and relationship of the

address of with the happening of which person if any to whom the right

the nominee Government the nomination shall conferred on the nominee shall Servant become invalid pass in the event of the nominee pre-deceasing the Government Servant.

24

Witnesses to signature Signature of Govt. servant.

To be filled in by the Head of Office in the case of non-gazetted Govt. servants.

Nomination by ....:ceeeeeeeeee Designation ....ceeeeeeeeeees

ONMICE sat iccseten cng hotness

Signature of Head of Office .... Designation ....:0006

Caution. - This nomination can be cancelled at any time by sending a notice in writing to the appropriate authority alongwith a fresh nomination.

FORM "B" NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY/PENSION/PAY AND ALLOWANCES

(WHEN THE GOVERNMENT SERVANT HAS A FAMILY AND WISHES TO NOMINATE MORE THAN ONE MEMBER THEREOF)

|, hereby, nominate the persons mentioned below who are members of my family and confer on them the right to receive to the extent specified below any gratuity and the pension that may be sanctioned by the government, and arrears of my pay and allowances

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due to me, in the event of my death while in service and the right to receive gratuity, pension and pay and allowances on my death which having become admissible to me on retirement may remain unpaid at my death.

Name(s) Relationship Amount of or | Contingencies Name, address and and with the share of on the relationship of the person address(es Government pension happening of if any to whom the right) of the Servant gratuity and which the conferred on the nominee nominee(s) pay and nomination shall pass in the event of allowances shall become the nominee pre-

payable to invalid deceasing the

Government Servant.

N.B.- The Government servant should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this 2.0... seesssseseeeeeeeeees day of .... 19 AU. os decceehstetieeecboeceebenesestetes Witnesses to signature Signature of Govt. servant. cA ae ah te a nee echt Dts iso ha see vonewanewanenanee ones

Note.- This column should be filled in so as to cover the whole amount of the pension, gratuity and pay and allowances.

[To be filled in by the Head of Office in the case of non-gazetted Govt. servants.]

Nomination by .... Signature of Head of Office...........

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Designation .... DeSIQhaliOne senior eee ees OIC Escalante: PALO esl ocanttecac waucaeieevcaues Caution. - This nomination can be cancelled at any time by

sending a notice in writing to the appropriate authority alongwith a fresh nomination.

SI. No. 23

Measures to check delay in the disposal of pension cases.- With a view to ensuring speedy disposal of pension cases it is requested that the following action may kindly be taken :-

(i) The administrative authorities under your control should be called upon to take necessary action as required on their part in accordance with the simplified procedure introduced in this Ministry's Office Memoranda dated the 4th June, 1964 (SI. No. 8), 5th June, 1964 (SI.No. 11). The Heads of Departments concerned may also be requested to send a compliance report to this Ministry within

two months. This report should, inter alia, state whether

(a) Service Books in respect of non-gazetted staff have been brought up-to-date. The Heads of Offices should be required to give certificates to this effect by the “30th of June, 1967, at the latest,

(b) "History Files" of all gazetted officers have been opened and brought up-to-date, and

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(c) pension cases of all employees of the Department who have since retired or are due for retirement within the next three months have been sent to the Audit Office.

(ii) One Section Officer or Assistant (depending on the volume of work) may be employed exclusively on pension work. This person should be required to make himself conversant with pension procedure and the method of preparation of pension papers. He should also be made responsible for maintaining lists of employees of all categories who may be due for retirement in a particular calendar year and for initiating timely action for preparation of their pension papers. The Assistant (where the work does not justify a Section Officer) should be provided as an additional hand in the Section.

[Authority.- Paras(i)&(ii)of Finance Division d.o. letter No.F.4(1)-R(S)II/67, dated 28-3-1967].

“Extended upto 31-8-1967, vide Finance Division O.M.No.D.567 Reg.Spl.(II)/67, dated 15-7-1967.

SI. No. 24

Introduction of revised pension Application form CSR-25 and Forms S.156-A, S.156-B (Revised) (communication of Civil Pensions) and Forms S.156-C (Revised) Medical Examination.- Since the issue of Finance Division's O.M. No. F.12(11)/R.6/81, dated the 10-6-1982, some additional benefits have been allowed to the retiring government servants. As such it has been decided, in consultation with the Auditor General of Pakistan, to introduce a revised pension

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application Form CSR-25, a copy of which is_ enclosed. Ministries/Divisions/Departments/ Offices are requested to use the new Form invariably while dealing with the pension cases of retiring government servants.

2. The Department of Stationery and Forms is being requested to standardize the above Form so as to enable the Ministries/ Divisions/Departments/Offices to obtain future supply thereof from that Department.

[Authority:- Finance Division O.M. No.28(18)-Reg.(6)/86, dated 30-7-1987]

C.S.R. 25 Revised PENSION PAPERS

OF

Mr./MrS./MISS. ....cccccccceceeceeeeceeeceeceeeeeaeeecaeeeecaeeecaeeeeaees

N.B.- Please read carefully the instructions contained in the Guide for Retiring Government servants and the Manual of Pension Procedures.

In the case of family pension for death while in service, page 2 will not be filled in and page 3 will be applicable.

APPLICATION FOR PENSION AND/OR GRATUITY

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PART |

(To be filled in and signed by the applicant himself/herself)

To TING wiceeerceesneds erences Sir, have retired | have the honour to say that | have been permitted to retire from service am due to retire ro] iy (Bis) (ie) ees te tenet earner ne tire cieiersene eraser er Rea enee

|, therefore, request that the pension/ gratuity admissible under the rules may kindly be sanctioned to me.

2. | declare that | have neither applied for nor received any pension or gratuity for any portion of this service, nor shall | submit any application hereafter without quoting a reference to this application and to the orders

which may be passed thereon.

3. Should the amount of the pension and/or gratuity granted to me be afterwards found to be in excess of that to which | am entitled under the rules, | hereby undertake to refund any such excess.

4. | wish to commute my pension to the extent of Rs.........

5. | wish to draw my pension from the District Accounts

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Office/Treasury/Sub treasury/National Bank of Pakistan Branch.

6. The following documents, duly, 10 attested, are enclosed:

(a) Three specimen signatures of mine/two sets of my thumb and finger impressions on the prescribed form.

(b) Three photographs of mine.

(c) List of family members.

Your obedient servant,

Signature

S/o

W/o

D/o :

Post held on the date of retirement :

Dated : *Delete inapplicable alternative.

APPLICATION FOR FAMILY PENSION

(To be filled in and signed by the applicant himself/herself)

To

Dear Sir,

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| have the honour to say that my husband/wife/" .... has expired on (date) .... |, therefore, request that the family pension admissible under the rules may kindly be sanctioned to me.

"Indicate relationship with the deceased Government servant. 2. | declare that | have neither applied for nor received any family pension.

3. Should the amount of the family pension granted to me be afterwards found to be in excess of that to which | am entitled under the rules, | hereby undertake to refund any such excess.

District Accounts Office

4.1 wish to draw my pension from the Government Treasury/Sub-Try. National Bank of Pakistan Br. at (Place) .... esses 5. The following documents, duly attested, are enclosed:-

(i) Three specimen signatures of mine duly attested/two sets of my thumb and finger impressions on the prescribed from.

(ii) Three photographs of mine.

(iii) List and particulars of family members.

(iv) | Descriptive Roll.

(v) Death Certificate.

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(vi) | Non-remarriage and non-separation certificates.

Yours faithfully SIGHAUUNG cee earns

Widow/Husband/entitled member of the family ....:cceeeee

“Not applicable in the case purdah observing lady.

PART - Il (To be completed by the Office/Department receiving the application for pension).

SECTION (1).-Particulars of Applicant.

*1:; Name of Civil SCrVANE ..... ec cccc cece eeeeceeeeeeeeeeeeeees

*2. Fanners NAMIE: sie scree ccs sastar da cateanteaventaaieniecea ees

nies IWAORIEUINY JcbcrtsstecsensesSetewncbvescascescenactusbees neseeie’

*4. POStalAGGESS scion tn ouch tcastietiitninenen

5. Post held on the date of retirement/ death ....

6. BPS ......00 Date of Birth .... cc ceeeeccceeeeeeeeeeeee es Commencement of Service...............

7. Date of Retirement/death ....ccceee Application for pension ....+-

8. Length of service: Y M D

33

From to From to From to

Total: Date of commencement and ending of each spell of military service, if any: ¥. M D From to From to

Total:

“Entries 1, 2, 3, 4 and 17 should be made in Capital Letters.

10.

11. 12.

13. 14. 15.

Government under which service has been rendered, in chronological order;

Government of ...... from to 1 = Repo ere rere

Government of ...... from to PO cahadvsasautienueitenss

Government of ...... from to Te Siasaeediatiecuate Total:

Class of pension or Gratuity applied for.............:cceee Average emoluments/Last pay drawn of the post held on PEQUIAR DASIS. seis oe ievlesdsaeapcapsarientelawses tevek uate

Proposed gross pension/Gratuity ....:::cceceeeeeeees Proposed family Pension ....0...:::ceccceeeeeseteeeeeeeeeees

Proposed value of COMMUTATION ....:ceeeeee eee

16. PropoSed Net PENSION. ....sesccesesercesesseteteesssenees District Account Office

*17. Place of Treasury/Sub Tre@SUry .....ccscscsescscsesesessestseseseees National Bank of Pakistan............... Biiedeccteerses atest

18. Date from which pension is to commence........

Official seal Signature of Head Of 06

NING: i2e85-.c0c5 euniceloeicbicidenteiet

SECTION (2).- Calculation of qualifying Service

Total length of service as

per Col. 10 of Section 1 Y M D (1) Non-qualifying service from, to Period Y M D

(i) Extraordinary leave .... (ii) Unauthorized absence .... (iii) | Spell of service not

qualifying for pension under Article 420,C.S.R.

Total (i)(ii) & (iii):

35

Net qualifying SErviCe ....00e Add From to Period

(i) Periods, if any, of Military service or war service allowed to count for pension.

(ii) Benefit of condonation of deficiency in total qualifying service.

Total(i)(ii): Total qualifying service ..... Section (3).- Calculation of "Average Emoluments"* under para 3(a)/(b) of LPR 1977.

Statement of Emoluments During the Last 36/12 months

Period Duration Monthly rate Account Drawn Months & Days — of Emoluments

From To M D Rs. Ps. Rs. Ps.

The total emoluments for 36/12 months are; Therefore"Average Emoluments".work out to Rs. + 36/12 =Rs. PM

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SECTION (4).- Calculation of Pension

Length of total qualifying service RSawake.

Emoluments/Average Emoluments/ Last Pay drawn of the post held on regular basis FRE e se dexerts

Amount of gratuity (in case

where qualifying service is

5 years or more but less

than 10 years). RSvgs

Amount of gratuity on discharge

from temporary service where

qualifying service is 10 years

or more but less than 25

years. RS .ceiaes

Gross pension calculated up to 30 years qualifying service. ASieaxe

Benefit to the extent of

2% of Gross Pension for each

extra year of service beyond

30 years subject to a maximum

of 10% of the Gross Pension. PRS itacestes

Total Rs.......... Commutation RS...

37

Net Pension RS vee:

“Please see relevant rules/orders before filling in this section. SECTION (5).-Commuted Value of Pension

i) Amount of pension to be commuted. RS e heen ii) Age next birthday or 60 in case of Superannuation, aaa aeeee es years. iil) Rate of commuted value for every one rupee. RS vtaceien iv) Commuted value of pension. RS aietiteies

SECTION (6).-Orders of the Sanctioning Authority

i The undersigned is_ satisfied that the service of seciahatet sala necttogs has been satisfactory. The grant of full pension and/or gratuity which the Audit Officer may find to be admissible under the rules is hereby sanctioned.

OR

The undersigned is satisfied that the service of............. has not been satisfactory and it has been decided that the full pension and/or gratuity found by the Audit Officer to be admissible under the rules should be reduced by the specific amounts or percentage given below :-

Amount or percentage of reduction in pension

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Amount or percentage of reduction in gratuity

Sanction is hereby accorded to the grant of pension and/or

gratuity as reduced.

The payment of pension and/or gratuity may commence from Before issuing the pension payment order, the Audit Officer may kindly ascertain whether the Last Pay and No Demand Certificates have been received by him. In case the Last Pay Certificate and/or No Demand Certificate has/have not been received with the pension papers, the Audit Officer should issue P.P.O. subject to the production of the last pay certificate and/or an undertaking, at the time of first payment of pension/gratuity, by the pensioner or his family (in case of his death) to the effect that any demand coming to the notice within a period of one year after the issue of P.P.O. would be recovered from

him/her.

Signature

Official Seal

Designation

(FOR USE IN THE ACCOUNTANT GENERAL'S OFFICE)

The calculations contained in the

preceding pages have been checked.

Length of qualifying service accepted in

Audit 26 30.8 i eS che cartes Yrs Reasons for difference, if any, between

this and the length of qualifying service worked out by the Department.

Amount of pension Rs Reasons for discrepancy, if any,

between this amount and that calculated

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by the Department. VI. Amount of family pension. RS scl uee: VII. Reasons for discrepancy, if any, between this amount and that calculated by the Department. VIII. © Amount of commutation for the pension commuted. Se eisieck IX. Reasons for discrepancy, if any, between this amount and that calculated by the Department. X. Amount of net pension payable. RSwaten. Xl. The pension willcommence from a. eeeeeeeee XII. Allocation of the pension and gratuity

Pension Gratuity Government Of............. Government Of............. Government Of............. Defence Estimates...........

Total:

XIll. | Anticipatory pension of Rs......... (RUPE@ES............seceee) per month, granted with effect from......vide P.P.O. No...... Under

rule....to be adjusted in the final P.P.O.

XIV. Amount of original pension commuted Rs...........

XV. Checked with the L.P.C. and "No Demand Certificate”. XVI. P.P.O. issued vide No....... dated......

Assistant Accountant General

Assistant Accounts Officer

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S-156 FORMA COMMUTATION OF CIVIL PENSIONS SECTION I.--FORM OF APPLICATION [bicguesnis teonbase teeta Sa iseutecuscuay desire to commute RS.............:06 of my pension of Rs......... PSicxes: a month. | certify that | have correctly

furnished the following particulars as required:-

PIACCLwiseitacns SIQNALULE........... essences Date.........::0008 Designation.............06 POC CSS senathoci nesses.

Date of birth.

Date of retirement.

Amount of pension to be commuted.

(a) portion of pension already commuted.

(b) particulars of any application for commutation of pension ever been rejected, or ever accepted/ declined to accept commutation of pension on the basis of an addition of years to the actual age recommended by the medical authority.

5. District Accounts Office/Treasury/Sub-Treasury/Branch of the National Bank of Pakistan from where commutation money is to be drawn.

6. If drawing pension abroad, which Accounts Officer issued the

authority for payment of pension.

ca al

To

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If already drawing pension, quote the number and date of the pension Payment Order and the name of District Accounts Office/Treasury/Sub-Treasury/Branch of the National Bank at where drawn.

Without prejudice to the direction of the sanctioning authority, from what date approximately this commutation shall have effect? (See Rule 6 of the Civil Pension Commutation Rules). "Station at which medical examination is preferred.

PIACCL Fe osico es wcaeincancnice Signature............. DANG vc iivierveveeneier ines The (here enter the designation

and Address of the Accounts

Officer).

SECTION II

FORWARDED TO vecrevemetseuttacancsnttnroiaiuetacareuataabamraGalds

(here enter the designation and address of the sanctioning authority).

2. Subject to the medical authority's recommending

commutation, the lump-sum payable will be as stated below :- Sum payable, if the commutation On the basis of normal age, becomes absolute before the i.e Years, Rs.

applicant's next birthday, Do. Do. Plus

which falls on lyear,i.e years. Rs. Do. Do. Plus 2 years,i.e_ years. Rs. Do. Do. Do. Plus 3years,i.e_ years. Rs.

Do. Do. Plus 4years,i.e_ years. Rs. Do. Do. Plus 5 years,i.e_ years. Rs. Sum payable, if the commutation On the basis of normal age, becomes absolute after the ie _-Years, Rs. applicant's next birthday Do. Do. Plus but before his next birthday 1year,i.e__ years. Rs. but one. Do. Do. Plus 2 years,i.e., years. Rs. Do. Do. Plus 3 years, i.e years. Rs. Do. Do. Plus 4years, i.e years. Rs. Do. Do. Plus

5 years, i.e years. Rs. 3. The sum payable will be a charge on:-

Federal revenues............. RStiisescqsessesstsiiee the Government of............. (Provincial Govt.) RS! siete i es. Station e.ianii katana as Dale iiiiietctrisastinisscnaitcmnien Note 1.*To be filled only if commutation is applied for after one year of the date of retirement. 2. If the commutation is applied within one year of the date of retirement, the accounts Officer will

authorize the commutation admissible and the form will not be forwarded to the authority competent to sanction pension.

Signature and designation of Accounts Officer.

S. 156-B. (REVISED)

FORM"B"

SECTION |

Subject to the medical authority's recommending commutation and the conditions prescribed in Section II of this Form, the lump-sum payable will be as stated below :-

Sum payable, if the commutation

On the basis of normal age,

becomes absolute before the i.e Years, Rs. applicant's next birthday Do. Do. Plus which falls on 1year,i.e__ years. Rs. Do. Do. Plus 2 years, i.e., years. Rs. Do. Do. Plus 3 years, i.e____ years. Rs. Do. Do. Plus 4 years, i.e years. Rs. Do. Do. Plus

Sum payable, if the commutation

5 years, i.e years. Rs.

On the basis of normal age,

becomes absolute after the i.e. Years, Rs. applicant's next birthday but Do. Do. Plus before his next birthday but one. 1year,i.e_ years Rs. Do. Do. Plus 2 years,i.e__ years. Rs. Do. Do. Plus 3 years, i.e___ years. Rs. Do. Do. Plus 4 years, i.e years. Rs. Do. Do. Plus

Station

5 years, i.e years. Rs.

Signature and designation of Accounts Officer.

SECTION Il

The commutation for a lump sum payment of the pension Olas: el eh ee egete Bet is administratively sanctioned on the basis of the report of the Accounts Officer contained in Section 1 above. The table of present values, on the basis of which the calculation in the Accounts Officer's report have been made, is subject to alteration at any time without notice, and consequently they are liable to revision before payment is made. The sum payable will be the sum appropriate to the applicant's age on his birthday next after the date on which the commutation becomes absolute or, if the medical authority directs that years, shall be added to that age, to the consequent assumed age.

2. NG pega ct tercccunteanten niin Reeentuas (here enter the designation and address of the Chief Administrative Medical Officer). has been requested to arrange for the medical examination and ROD MI oS onsietepeecenyeletensuysotetes direct where and when he should appear for the examination. He should bring with him the enclosed Form C with the particulars required in Section 'I' completed except for the Signature.

Slat OM sates eects Signature............6. Dated scciicateeeeeinctascnttareetecnases Designation.............. TOs kove ver cevanpnreadeceteceta cosscrouee Geesrenseastaatiaccecsmctscee!

address of the

applicant).

SECTION Ill

Administrative Sanction Of..........::cccceeees is accorded to the above commutation. A certified copy of paragraph 2 of Section II of the form has been forwarded to the applicant in From B.

FORWARCO CO: sock cen antunscisentucsecesbieskes (here enter the designation and address of

the Chief Administrative Medical Officer).

eer er! in original on .... With the request that he will arrange for the medical examination of the applicant by the proper medical authority as early as possible within three months from the ee ee (here enter the date of retirement) and inform the applicant direct in sufficient time where and when he should appear for the examination.

(Signature and designation of the sanctioning authority) With one copy of Form C and an extra copy of Section III of that Form.

Annexure V

46 S. 156-C (REVISED)

FORM 'C'

MEDICAL EXAMINATION BY THE........0::::::ceceeeeeeeereeees (here enter the medical authority)

SECTION |

Statement by the applicant for commutation of a portion of his pension. The applicants must complete his statement prior to his EXAMINATION DY the............ccesssteceesssereeessseenerees

(here enter the medical authority) and must sign the declaration appended thereto in the presence of the authority.

A. Form to be filled in by applicant.

1. State your name in full. (in BLOCK letters). 2. State place of birth. 3. State your age and date of birth.

4. Furnish the following particular concerning your family. Father's age if Father's age at death Number of brothers Number of brother dead, living, and state and cause of death living, their ages and their ages at and

cause of health. state of health of death. Mother's age if Mother's age at Number of sisters Number of sisters dead, living and state death and cause living, their ages and their ages at and cause

of health of death state of health of death.

5.

6.

7.

8.

10.

11.

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Have any of your near relations suffered from tuberculosis (consumption, scrofula), cancer, asthma, fits, epilepsy, insanity or any other nervous disease ?

Have you ever been abroad. Where and for what period and how long since ?

Have you ever served in the Navy, Army, Air Force, or in any Government Department ?

Have you ever been examined :-

(a) (b)

for life Insurance, or/and

by any Government Medical Officer or Medical Board, Civil or Military? If so, state details and with what result?

Have you ever :-

(a)

(b) (C)

had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks rheumatism, appendicitis, epilepsy, insanity, or other nervous disease, discharge from or other disease of the ear, syphilis, gonorrhoea, or

Had any other disease or injury which required confinement to bed or medical or surgical treatment, or Undergone any surgical operation.

Have you rupture ?

Have you varicocele, varicose veins or piles ?

12.

13.

14.

15.

16.

Is your vision in each eye good ? Is your hearing in each ear good ?

Have you any congenital or acquired malformation, defect or deformity?

When were you last vaccinated ? Is there any further matter concerning your health not covered by the above questions which should be communicated to the

medical authority.

declaration by applicant

(To be signed in presence of the medical authority)

| declare all the above answers to be, to the best of my belief, true and correct.

| will fully reveal to the medical authority all circumstances

within my knowledge that concern my health and fitness.

| am fully aware that by wilfully making a false statement or

concealing a relevant fact | shall incur the risk of losing the commutation | have applied for and of having my pension with-held or withdrawn under Article 351 of Civil Service Regulations.

Signed in preSence Of ....ceeeeeeeseseeeeeeeees

Applicant's signature

Signature and designation of medical authority.

SECTION II

(To be filled in by the examining medical authority)

1. Apparent age. 2. Height. 3. Weight. 4. Girth of abdomen at level of umbilicus. 5, Pulse rate :- (a) Sitting. (b) Standing. What is character of pulse ? 6. What is condition of arteries ? 7. Blood pressure 8. (a) Systolic. (b) Diastolic. 9. Is there any evidence of disease of the main organs ? (a) Heart. (b) Lungs. (c) Liver. (d) Spleen. (OD! . cicstuatansaesaeratditomntess

10. Does chemical examination of urine show : (i) Albumen, (ii) Sugar ? State specific gravity.

11. Has the applicant a rupture ? If so, state the kind and if reducible.

12. Describe any scars or identifying marks.

13. — Any additional information.

SECTION Ill We have carefully examined........... and am/are of opinion that is has the prospect of an average He ____ in good bodily health and is not duration of life. is is not a fit subject for commutation suffering from and

his age for the purpose of commutation, i.e., his age next birthday should be taken to be years more than his actual age.

Station Dated-

(Signature and designation of examining medical authority).

CERTIFICATE REQUIRED UNDER ARTICLE 922 OF THE CIVIL SERVICE REGULATIONS

WHEREAS the Government of Pakistan has consented provisionally, to advance to me the sum of RS...............08 (Rupees pfeil extenders) a month, in anticipation of the completion of the

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enquiries necessary to enable the Government, to fix the amount of my pension/gratuity, |, ...: SOM SOR sivctsceceraeeeres Ministry of Finance, Islamabad/Rawalpindi/ Karachi do hereby acknowledge that in accepting this advance, | fully understand that my pension is subject to revision on the completion of the necessary formal enquiries, and | promise to base no objection to such revision on the ground that the provisional pension now to be paid to me exceeds the pension to which | may be eventually found entitled. | further promise to repay any amount advanced to me in excess of the pension to which | may be eventually found entitled.

ASY(0/ 67-110] (= Dated :-

Witness :

DECLARATION UNDER ARTICLE 920(I) C.S.R.

In case the amount of pension/gratuity sanctioned to me is found to be in excess of that to which | am entitled to, under the rules | undertake to refund such excess, when called upon to refund such excess.

SIQNALULE..........ccesereeees ACUIESS........:00cscceeeeeeeees

Attested

D2

DECLARATION UNDER ARTICLE 911 C.S.R.

| hereby declare that | have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which gratuity is claimed herein nor shall | submit application hereafter without quoting a reference to this application and to the order which may be passed thereon.

SIQNALULE..........cceeseeeees POCOSS vs desceitcckcaseaces bonne

Attested

UNDERTAKING REQUIRED UNDER MINISTRY OF FINANCE NOTIFICATION No.S.R.O.144(K)/65 (No.F. 1(7)R.1/64, DATED THE 1-3-1965).

Leaps ach atea tebe: SOM “Ol - . etssuiadasncs Finance _ Division, Islamabad/Karachi give an undertaking that | will not take part in politics during the first two years after my retirement on.............

SIQNature.........::cee SlaUON 4 enselicatons Dated ....:ccese Designation............::c008 POI SSS sss: fasisciccesеetesses UNDERTAKING WHEREAS, _ l........0000008 SIO} Auaccians going to retire/have retired

OR eritecondediee from the post of............4. Finance Division and enquiries

a3

has not yet been completed regarding Government dues, if any outstanding against me | hereby undertake and give my consent to the recovery of any Government dues found outstanding against me within one year from the date of issue of Pension Payment Order to me from the Gratuity/Pension admissible to me under the rules.

WITNESS: dt. Salbahiuicennabaadedaialndechdetivatietepbds 2) ~ Axoninintieidecans tence ueiutantangiala SIQNALULE...........ceseeee Dalle ......cceccceeccseeeeeeees Attested

Specimen Signature Of...........cccccececeeeeeeeeeeeeeees Sata celecalest Voc tidbit tate wentdstecs Finance Division, Islamabad.

Attested

SI. No. 25

(i) Counting of Extraordinary Leave and Suspension.- As in the existing rules, the period of extraordinary leave shall not be treated as qualifying service for pension but only as a bridge between the two periods of qualifying service. Interruption in service due to other reasons may be condoned provided such interruption is not due to any fault or wilful act of the government servant, like unauthorized

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absence, resignation or removal from service. Interruption due to removal on account of reduction and retirement of the post shall however be deemed to have been condoned. The periods of such interruptions shall not, however, count as qualifying service for pension. The action in respect of break in service should be completed by the head of the administrative Division or Department before forwarding the papers to the Audit Office.

(ii) All periods of suspension followed by reinstatement should qualify for pension regardless of the fact whether the government servant was or was not allowed full pay and allowances for the period of suspension. In other words, the mere act of reinstatement should be deemed to have rendered the period of suspension as qualifying for pension.

[Authority.-Paras 1(i) and (j) of Finance Division O.M.No.F.5(l)-Reg.(6)/77, dated 24-2-1977].

SI. No. 26

Simplification of pensions sanctioning Procedures.- Reference Finance Division's Office Memorandum No. F. 5(l) Reg. (6)/77, dated the 24th February, 1977, notwithstanding the various measures taken and the orders/instructions issued from time to time for simplifying pension sanctioning procedures, it has been observed that the expected improvement has not taken place to the extent desired and settlement of pension cases continues to be delayed. The question of carrying out further improvements in the existing procedure for prompt sanctioning of pension has been considered, in compliance with the directive of the President, and the following decisions have been taken:-

(a)

(b)

(Cc)

5

Reckonable emoluments .- The following shall be treated as emoluments reckoning for pension under Article 486, Civil Service Regulations :

(i)

(ii) (ii)

(iv)

(v) (vi) (vii)

(viii)

Rules

Pay as defined in FR 9(21) (a) (i).

Senior Post Allowance.

Special Pay of all types and nature.

Personal Pay.

Technical Pay.

Dearness Allowance.

Increments accrued during Leave Preparatory to Retirement.

Any other emoluments which may be specially classed as pay.

Regarding Qualifying Service.-In _ partial

modification of the existing rules, it has been decided as under:-

(i)

(ii)

Any interruption in the service of an officer entails forfeiture of his past service. The authorized leave of absence, suspension immediately followed by reinstatement and time occupied in transit from one appointment to another are not treated as interruption for the purpose of qualifying service.

The authority who sanctions the pension may commute retrospectively periods of absence without leave into extraordinary leave.

Verification of Service and Computerization of Accounts:-

(i)

(ii)

(ii)

(iv)

(v)

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In order to deal with the existing outstanding pension cases in which the entries relating to previous fixation of pay or verification of service are missing, it shall be incumbent upon the last Audit and Account Officer dealing with a pension case to verify the same himself on the basis of the available record without referring the case to any other audit and account office.

The verification of qualifying service of all government servants should be completed by the administrative and audit authorities concerned within 12 months of the issue of these orders, in accordance with the rules regarding qualifying service.

The salary accounts of the government servants, if not computerized so far, should be computerized immediately and completed within 12 months of the issue of these orders.

The computer slip should be modified to indicate upto-date qualifying service and the status of government servants, i.e, ‘temporary’, ‘permanent or ‘substantive’, as well as the name of the nominee for the purpose of gratuity. These entries will be considered as duly audited.

In case any of the salary accounts remains uncomputerised after 12 months of the issue of these orders, the audit and account authorities should issue an up-to-date qualifying service certificate to each government servant and, thereafter, such a certificate be issued every

(d)

0)

Note.-

oT

year till the audited qualifying service is reflected in the computer pay slip. The audit and accounts authorities should also give a certificate that valid nomination papers regarding gratuity are held by them.

Recovery of Leave Salary and Pension Contributions. - (i) In the case of government servants on deputation to foreign service within Pakistan or abroad, the leave salary and pension contributions shall be paid by the foreign employers. In case of non-payment of these contributions by the foreign employers in time, the matter will be taken up by the administrative authorities with the foreign employer concerned, but the finalization of pension cases shall not be held up nor shall the qualifying service of the government servants concerned be reduced on that account.

In those cases of the government servants, already on deputation to foreign service, where the leave salary and pension contributions are payable by the government servants themselves, in accordance with their terms of deputation, and they fail to do so, the period of deputation will be considered as non-qualifying and a break in their service].

In terms of the Finance Division No.F.5(5)-Reg. 7/79-1407 dated 15th December, 1981 no leave salary contributions are payable by or recoverable from Government servants while on deputation on foreign service.

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*Added vide Finance Division O.M. No.F.6(4)Reg.(6)/79, dated 22-4-1981 .

(e)

(f)

(9)

(h)

Anticipatory Pension.- Administrative as well as audit and account authorities must exercise the power to sanction anticipatory pension, whenever required, to avoid any delay in the payment of pension.

No Demand Certificate.-The finalization of pension cases should not be held up for want of ‘No Demand Certificate’ from the Estate Office. However, the Head of Department or office should alert the Estate Office at least six months before the retirement of the government servant to bring the rent accounts up-to-date and to notify the outstanding dues in respect of the last accommodation occupied by the government servant within 15 days of the date of his retirement. If any government dues are found to be outstanding against a pensioner within one year from the date of issue of the PPO, the matter shall be referred tothe Head of Department for orders, before any recoveries are actually effected from the pensioner.

Last Pay Certificate.-It shall be mandatory for the Drawing and Disbursing Officers and audit and accounts authorities to issue Last Pay Certificate within 15 days of the date of retirement of a government servant.

Rule of Proportion.-The “Rule of Proportion’ and the other associated rules and accounting instructions shall continue to be operative and the apportionment of pensionary liability between the various Departments and Federal/Provincial Governments, as the case may

be, shall be made by the Audit and Accounts Officer issuing the Pension Payment Order. Finalization of pension cases shall not be held up on this account. If there is any dispute with regard to the apportionment of pensionary liability, the matter should be sorted out by the Audit and Accounts Officers involved.

2. The existing rules shall be deemed to have been modified to the extent indicated above.

3. These orders shall take effect from 1st March, 1981.

[Authority.-Finance Division O.M. No. F 6(4)-Reg. (6)/79, dated 22-3-1981].

SI. No. 27

Steps to be taken by the Authorities concerned and the Retiring government Servant for timely sanction of Pension.- \nspite of instructions issued from time to time in connection with expeditious settlement of pension cases, complaints are still being received by the Wafaqi Mohtasib Secretariat. The Wafaqi Mohtasib has been pleased to order that Finance Division should issue suitable instructions to all concerned to eradicate inordinate delay in the payment of pension etc. indicating suitable measures including disciplinary action which may be invoked against the defaulter in case of inordinate delay.

2. Under CSR-906 all authorities dealing with the application for pension, should bear in mind that delay in the payment of pension involves peculiar hardships, it is essential to ensure that the retired employee should be able to receive his pension on the date on which it becomes due. In terms of CSR-907 every employee shall submit a formal application for pension in Part-| of CSR-25. The employee

should, in his own interest, submit his formal application for pension to the departmental authority concerned six months in advance of the date of his actual or anticipated retirement:-

Provided -

(i) in cases in which the date of retirement cannot be foreseen six months in advance the application shall be submitted immediately after the date of retirement is settled; and

(ii) an officer proceeding on leave preparatory to retirement in excess of six months, shall submit the application at the time of proceeding on such leave.

Further action is to be taken by department and the audit office concerned.

3. For expeditious disposal of the pension cases instructions were issued to all Ministries/Divisions/Departments vide Finance Division O.M.No.F.6(4)/R.6/79,dated 22-03-1981. The authorities concerned are required to forward the pension case of the retired Government servant to the audit office concerned complete in all respects and with the documents mentioned in (Annex).

4. As regards commutation of pension, it is admissible subject to medical examination if commutation is applied by an employee retired on invalid pension and also by a retired employee who applies for commutation after one year of retirement.He is required to apply for commutation on the prescribed Form S-156(A), 156(B) and 156(C). The medical authorities should examine the retired Government servant and then pass on their recommendations to audit office concerned for necessary action.

5. Ministries/Divisions/Departments/Audit Offices are

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requested to bring to the notice of all concerned including Government servants the above instructions and ensure expeditious settlement of pension cases of the retired Government Servants/families of deceased Government Servants. In case of inordinate delay strict disciplinary action may be initiated against the defaulter as ordered by the Wafaqi Mohtasib.

[Authority .- Finance Division O.M. No. F.13(4)/R.6/89, dated 24-1-1991].

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Annexure Dated

Ministry/Division/Department/

Office of the

To SUBJECT: Grant of pension/gratuity to Sir,

|! am directed to forward herewith the pension papers in respect of Mr/Mrs/Miss as detailed below:-

1. Service Book (where necessary).

2. The Last Pay Certificate showing him paid upto

3. No Demand Certificate of the Department.

4. No Demand Certificate of the Estate Office.

5. An undertaking from the retiring/retired Government servant/entitled member of his family for refund of government dues from pension. (If certificates at serial Nos. 3 & 4 are not available).

6. A certificate that leave salary/pension contribution for the period from to was duly recovered and credited to the Government.

7. Form C.S.R. 25 (in duplicate).

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(8. Death Certificate in Original. In (case (9. List of Family Members. of (family (10. Acertificate to the effect that the widow was not pension (judicially separated during life time of her husband

(and that she has not re-married. ((11. Descriptive roll of the widow/Family members. ((12. Specimen signature/thumb impression of the widow duly attested.

(13. In the absence of nomination for gratuity, necessary sanction authorizing somebody to receive the share of minor child/children, if any, may be issued in terms of Ministry of Finance O.M. No. F.12(2)-R 1(1)/57 dated 28.02.1957 and of even number dated 09.06.1957.

In case 14. Invalid certificate in of invalid original. pension.

15. — Three photographs duly attested. 16. Office Order/Notification regarding retirement. Your obedient servant, Signature:

Designation:

SI. No. 28

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Speedy finalization of Pension cases.- AS you are aware, the Government attaches great importance to speedy finalization of pension cases, and measures have been taken to achieve the same, by simplifying the present procedure. Improvements, however, have been minimal. It is, therefore, necessary that all out efforts may be made to process pension cases.

2. The relevant instructions stipulate that pension payment order be issued a month before retirement in normal cases and within three months of the event in cases where pre-mature, compulsory or voluntary retirement is involved and the sanctioning authority should send pension papers complete in all respects to the Audit Office, six months before the retirement date. This practice, however, is not being adhered to hence causing excessive delay's in issuance of PPO.

3. It will be appreciated if the pension cases are sent within the prescribed time schedule complete in all respects. In the instances, where delays are un-avoidable, anticipatory pension cases may be sent to Audit Office, keeping in view the provisions of Article 922 of CSR read with CSR 926. For this purpose necessary instructions may kindly be issued in your Ministry/ Division/Attached department/Sub- ordinate offices, under your control.

[Authority:- AGPR letter No.PN.II/General-Orders/95-96/2379, dated 20-5-1996]. Grant of full pension to Government Servants retired after completion of 25 years Service

SI. No. 29

65

In pursuance of the President's directive on simplicity, austerity and economy it was decided that the cases of government servants who had completed, or would complete 25 years service qualifying for pension and other retirement benefits on 31st December, 1979, should be reviewed and those who had outlived their usefulness for retention in service for one reason or the other should be retired in terms of section 13 of the Civil Servants Act, 1973. In view of this, the President has been pleased to decide that the government servants who have been, or may be, retired as a result of above review of their service career shall be granted full pension admissible after completion of 30 years of qualifying service, even if the length of qualifying service in any such case falls short of 30 years, provided that this concession will not be allowed to persons retired on grounds of reputation of corruption or living beyond means or involvement in financial irregularities or persistent indifferent record.

2. The above concession will not be admissible in the case of government servants retired compulsorily after 31st December, 1980.

[Authority.-Finance Division O.M. No. F. 12(4)-Reg.6/80-2013, dated 28-12-1980]. SI. No. 30

In continuation of the Finance Division O.M. No. F. 12 (4)-Reg.(6)/80-2013 dated the 28th December, 1980, it is clarified that the concession would also be admissible to all such government servants who were retired under section 13 of the Civil Servants Act, 1973, and who had proceeded on L.P.R. on or before 31st December, 1980, but have actually retired from government service after 31st December, 1980, on the expiry of their L.P.R.

[Authority.-Finance Division O.M. No. F. 12 (4)-Reg.(6)/80, dated 24-3-1981].

Incentives to Civil Servants to

66

Proceed on Leave Preparatory to Retirement after Completion of 25 years service

SI. No. 31

The matter of allowing retirement benefits to superannuating government servants and provision of additional incentives to civil officers in BPS-21 and 22 who volunteer to retire on completion of 25 years qualifying service or more has been under active consideration of the Government.

2. On the recommendation of the Committee set up by the Government for the purpose the President has been pleased to approve the following retirement benefits to Superannuating government servants with effect from 1st February, 1991:-

(A) Retirement benefits to Superannuating Government servants.

(i) retention of government accommodation allotted to government servant after his retirement upto the date of his superannuation plus 6 months. In case the retired government servant dies during this period, this facility may also be extended to the family of the deceased for the corresponding period;

(ii) A retiring government officer may be permitted to undertake private job (except a job under foreign government) or to carry on private business in partnership with other party during LPR and thereafter. Such permission be given by the Government liberally;

(iii) = A retiring government officer in BPS-20, 21 and 22 would be allowed a special additional pension equal to the admissible pre-retirement orderly allowance for these grades.

(B) Additional incentives for BPS 21-22 officers to retire on completion of 25 years of service.

The incentives at (A) above will be available to all such officers. In addition the following additional incentives will be available to all civil officers in BPS 21 and 22 who opt to retire on completion of 25 years of service or more :-

(i) Maximum limit of one year LPR will be relaxed in their cases. Leave at full pay will be calculated at four days per month of service, less leave on full pay availed during the service. The balance would be allowed as LPR on full pay;

(ii) On retirement after LPR, they should be entitled to pension calculated on their services on the date of proceeding LPR, plus LPR availed plus a grace period of two years.

(iii) For purpose of commutation, the factor relevant to actual age on conclusion of LPR will be applied.

Necessary amendment/modification in the existing leave/pension will be issued separately.

[Authority.- Finance Division O.M. No. F.1(8)-R.4/89, dated 21-2-1991].

SI. No. 32

On the recommendations of the Committee set up by the Government for the purpose, the President has been pleased to approve that all civil officers in BPS 21 and 22 who opt to retire on completion of 25 years service or more, shall be allowed the following benefits with effect from 19.2.1991:-

(i)

(ii)

(ii)

Maximum limit of one year LPR will be relaxed in their case. Leave at full pay will be calculated at 4 days per month of service, less leave on full pay availed during the service. The balance would be allowed as LPR on full pay;

On retirement after LPR, they should be entitled to pension based on their service as on the date of proceeding on LPR plus LPR availed plus a grace period of 2 years; provided the above period does not exceed the age of superannuation prescribed in section 13 of the Civil Servants Act, 1973;

For purpose of commutation, the factor relevant to actual age on conclusion of LPR will be applied as under existing rules/orders.

2. On retirement, a Government Officer in BPS-20, 21 and 22 would be allowed a special additional pension equal to the admissible pre-retirement orderly allowance.

[Authority.- Finance Division O.M.No.F.1(2)/Reg(6)/91, dated 29-9-1991].

Grant of increase

69 in pension SI. No. 33

Grant of increase in pension to Civil Servants.- In Supersession of Finance Division (Regs Wing-Il) O.M. No. F.6(3)/R.6/91 dated 22nd August, 1991 regarding grant of ad hoc increase in pension to the pensioners of the Government of Pakistan, the President has been pleased to grant the benefits as follows.

2. Pensioners who retired prior to 1st May, 1977 be allowed an increase in pension w.e.f. 1.6.1991 at 20% on existing pension (inclusive of ad hoc increases). All pensioners be allowed increase in their pension at the rate of 12% w.e.f. 1.6.1991. For pensioners who retired before 1.5.1977, this increase will be over and above the increase of 20% mentioned above.

(i) The above increase will not be admissible to those retired on or after 1.6.1991.

(ii) For the purpose of admissibility of the ad hoc increase sanctioned in this O.M. the term "Pension" means pension before commutation and/or surrender of 1/4th for gratuity plus dearness/ad hoc __increases/ Indexation/Ad hoc Relief in pension sanctioned from time to time.

(iii) | The ad hoc increase will also be admissible on family pension granted under the Pension-cum-Gratuity Scheme, 1954 Liberalized Pension Rules, 1977, on pension sanctioned under the Central Civil Services(Extraordinary Pension) Rules as well as on the Compassionate Allowance under CSR-353.

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(iv) If the gross pension sanctioned by the Federal Government is shared with any other government in accordance with the rules laid down in Part-lV of Appendix Ill to the Accounts Code, Volume I, the amount of the ad hoc increase will be apportioned between the Federal Government and the other Government concerned on proportionate basis.

(v) Commutation/Gratuity of any part of ad hoc increase will not be permissible.

(vi) In the case of re-employee pensioners, the ad hoc increase sanctioned in this Office Memorandum shall not be admissible to them during the period of their re- employment.

(vil) |The benefit of ad hoc increase sanctioned in this O.M. will also be admissible to those Civil Pensioners of the Federal Government who are residing abroad (other than those residing in India and Bangladesh) who retired on or after 15.8.1974 and are not entitled to, or are not in receipt of pension increase under the British Government's Pension(Increases) Act. The payment will be made at the existing official rate of exchange.

3. Government servants who have retired on or after 1.7.1990 till the introduction of revised pay scales /.e. 1.6.1991, be allowed pension/ commutation on the basis of pay that would have been admissible to them had the pay revision been effected on the date of their retirement, discounted by 12%.

4. Pension shall be calculated for all pensioners for time to time in accordance with the latest rules.

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5. The above benefits will also be admissible on family pension.

[Authority.- Finance Division O.M. No. F.6(4)/Reg(6)/91, dated 3-10-1991]. SI. No. 34

Grant of Increase in Pension to Civil Pensioners of the Federal Government as well as Retired Armed forces Personnel.-The President has been pleased to sanction with effect from 1.7.1995 increase in pension to all civil pensioners of Federal Government including those paid from Defence Services Estimates as well as retired armed forces personnel at the rates as follows:-

Increase in pension

i) Pensioners retired 15% upto 30.4.1977

il) Pensioners retired between 10% 1.5.1977 to 31.5.1991

iil) Pensioners retired between 5% 1.6.1991 to 31.5.1993

2. For the purpose of admissibility of the increase in pension sanctioned in this O.M. the terms “Pension' means pension before commutation and or surrender of 1/4 for gratuity plus dearness/ad hoc increase/indexation/ad hoc relief, in pension sanctioned from time to time. Gross pension of retired Government employees would not be less than Rs.300/- per month and in the case of family pension not less than Rs.150/- per month for the purpose of calculation of the above increase.

3. The increase in pension will also be admissible on family pension granted under the Pension-cum-Gratuity Scheme, 1954 Liberalized Pension Rules, 1977, on pension sanctioned under the Central Civil Services (Extraordinary Pension) Rules as well as on the Compassionate Allowance under CSR-353.

4. If the gross pension sanctioned by the Federal Government is shared with any other Government in accordance with the rules laid down in Part-IlV of Appendix-lll to the Accounts Code, Volume-l, the amount of the increase in pension will be apportioned between the Federal Government and the other Government concerned on proportionate basis.

5. Commutation/Gratuity of any part of increase in pension will not be permissible.

6. In the case of re-employed pensioners, the increase in pension sanctioned in this office memorandum shall not be admissible to them during the period their re-employment.

7. The benefit of increase in pension sanctioned in this O.M. will also be admissible to those Civil Pensioners of the Federal Government who are residing abroad (other than those residing in India and Bangladesh) who retired on or after 15.8.1947 and are not entitled to, or are not in receipt of pension increase under the British Government's Pension (increases). The payment will be made at the existing official rate of exchange.

[Authority:-Finance Division O.M.No.4(5)-Reg.6/95, dated 29-6-1995]. SI. No. 35

Grant of increase in Pension to civil pensioners of the Federal Government as well as Armed Forces Personnel retired in BPS 1 to

16.- The President has been pleased to sanction with effect from 1.3.1997 an increase @ 10% in pension to civil pensioners of Federal Government including those paid from Defence Services Estimates as well as Armed Forces personnel retired in BPS 1-16.

[Authority:- Para 1 of Finance Division O.M. No.F.4(3)-Reg.6/97, dated 11-3-1997].

SI. No. 36 It is hereby clarified that:-

(i) The benefit of 10% increase in pension is also admissible to those pensioners who were in BPS-17 by virtue of moveover but not to those who were in BPS-17 by virtue of selection grade.

(ii) The benefit of an increase in pension is admissible to those Government servants who were retired prior to 1st March, 1997.

[Authority:- Para 2 of Finance Division O.M.No.F.4(3)-Reg.6/97, dated 29-3-1997].

SI. No. 37

Grant of increase in Pension to civil pensioners of the Federal Government including civilians paid from Defence Estimates.-The President has been pleased to allow increase in pension with effect from ist July, 1999 to civil pensioners of the Federal Government including civilians paid from Defence Estimates at the following rates:

Increase in Pension

(i) Pensioners in 25% BPS 1 to 16

(ii) Pensioners in 20% BPS 17 & above.

2. For the purpose of admissibility of the increase in pension sanctioned in this O.M. the term "Pension" means pension before commutation and/or surrender of 1/4 for gratuity plus dearness/ad hoc increases/indexation/ad hoc relief in pension sanctioned from time to time. Gross pension of retired Government employees would not be less than Rs.300/- per month and in the case of family pension not less than Rs.150/- per month for the purpose of calculation of the above increase.

3. The increase in pension will also be admissible on family pension granted under the Pension-cum-Gratuity Scheme, 1954, Liberalized Pension Rules, 1977, on pension sanctioned under the Central Civil Service (Extraordinary Pension) Rules as well as on the Compassionate Allowance under CSR-353.

4. The increase in pension will also be admissible to those Government servants who would retire between the period commencing from 1st July, 1999 and introductions of revised pay scales.

5. If the gross pension sanctioned by the Federal Government is shared with any other Government in accordance with the rules laid down in part IV of Appendix III to the Accounts Code, Volume-l, the amount of the increase in pension will be apportioned between the Federal Government and the other Government concerned on proportionate basis.

6. Commutation/Gratuity of any part of increase in pension will not be permissible.

7. In the case of re-employed pensioners, the increase in

pension sanctioned in this Office Memorandum shall not be admissible to them during the period of their re-employment.

8. The benefit of increase in pension sanctioned in this O.M. will also be admissible to those Civil Pensioners of the Federal Government who are residing abroad (other than those residing in India and Bangladesh) who retired on after 15th June, 1947 and are not entitled to, or are not in receipt of pension increase under the British Government's pension (increases) Acts. The payment will be made at the existing official rate of exchange.

[Authority:- Finance Division O.M.No.F.4(1)-R.6/99, dated 23-7-1999].

Issue of Pension Payment Orders

SI. No. 38 (a) The pension payment order should as a rule be issued.-

(1) in the case of normal retirement, one month before retirement and

(2) in the case of premature, voluntary or compulsory retirement or death, within three months from the date of the event.

(b) lf for any reason it is apprehended that the pension payment order cannot be issued within the prescribed time, a provisional order authorizing payment of 80 per cent of the admissible pension should be issued by the

competent authority without referring the case to the Audit Officer within one month of the expiry of the prescribed time /.e., in the case of normal retirement the provisional orders must be issued within two months from the date of retirement and in the case of compulsory retirement or death within four months from the date of the event.

[Authority.-Para 1 (h) of Finance Division O.M.No.F.5(l)-Reg.(6)/77, dated 24-2-1977].

Payment of Pension SI. No. 39

Payment of Pension through National Bank of Pakistan.-With a view to further facilitating the drawal of their monthly pensions by retired Government servants, it has been decided that the payment of pensions will also be allowed at all branches of the National Bank of Pakistan. This arrangement will take effect from the 1st September, 1977 and the pensioners at their option can choose either to continue to draw their pension from the Treasury Officer or District Accounts Officer, as the case may be, as hitherto or to draw it from a branch of the National Bank of Pakistan of their choice.

[Authority.-Finance Division letter No. F. 3(9)-IF,IX/77-660, dated 13-8-1977].

SI. No. 40

Remittance of small pensions through Postal Money Orders at Government expense.-The position at present is that small pensions upto ‘Rs.500.00 per mensem can be drawn by pensioners at their option and expense through Postal Money Orders. In order to provide greater facility to small scale pensioners, the President has been pleased to decide that, with immediate effect, Central pensioners drawing pensions upto Rs. 30.00 per mensem will be allowed to draw

their pensions at the expense of the Central Government. Necessary amendment to the relevant rules is being made separately.

[Authority.-Finance Division O.M.No.F.4(3)-RI/64, dated 11-2-1965].

SI. No. 41

The expenditure incurred by Government in connection with the remittance of small pensions through Postal Money Orders, including the expenditure on money order commission, will be charged to subhead "A - Superannuation and Retired Allowances" under the Major Head "55 - Superannuation Allowances and Pensions".

[Authority.-Finance Division O.M. No. 879-R-1/65, dated 13-5-1965]. SI. No. 42

Payment of pensions through Pakistan Missions Abroad - Drawal of Pension and Provident Fund in Sterling.-Reference the Pension and Provident Funds (Payment in Rupees) Order, 1959, published in the Gazette of Pakistan Extraordinary dated the 24th August, 1959 (Annexure), it is stated that under the provisions thereof payment of pensions due on or after 24th August, 1959 shall be made in rupees only. This will also apply to the arrears of pension not paid upto 24th August, 1959.

2. In accordance with the proviso to section 3 of the above order a person will be entitled to receive his pension in Sterling for the period of his residence outside Pakistan. The term "residence" will also include temporary visits abroad.

[Authority.-Finance Division O.M. No. F. 8(5)RI/(I)/59, dated 15-9-1959.]

ANNEXURE PRESIDENT'S ORDER No. 14 OF 1959 DATED 24-8-1959

THE PENSIONS AND PROVIDENT FUNDS (PAYMENT IN RUPEES) ORDER, 1959

In pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Order:-

1. Short title and commencement.-This Order may be called the Pensions and Provident Funds (Payment in Rupees) Order, 1959.

(2) It shall come into force at once.

2. Application of the Order.-This order applies to persons domiciled in Pakistan who are entitled to pension or to provident fund dues from the Central Government or a Provincial Government as having held the office of Governor-General, President, Governor, Judge of the Federal Court or of the Supreme Court or of a High Court, Comptroller and Auditor General, Attorney-General or Advocate-General or as having been in the service of Pakistan within the meaning of Article 218 of the Constitution of the twenty-third day of March, 1956 or otherwise and any reference hereinafter made to a person to whom this Order applies shall be construed accordingly.

3. Payment of pension or provident fund dues to be in rupees.- Notwithstanding any provision of the said Constitution or anything contained in any rule, order, contract of service or other instrument governing the terms and conditions of service of a person to whom this Order applies the amount due and payable to such person on account of pension or provident fund dues by the Central

Government or by a Provincial Government shall be payable only in Pakistan rupees :

Provided that if such person resides outside Pakistan, he shall for the period of such residence be entitled to draw his pension in Sterling.

4. Rate of conversion of rupees into Sterling and vice-versa.- If the pension of a person to whom this Order applies is stated in sterling but is, by reason of the preceding Article, payable in rupees or if the pension is stated in rupees but is, by reason as aforesaid, payable in sterling, it shall be converted into rupees or sterling as the case may be at the rate of one shilling and six pence to the rupee :

Provided that if by the terms and conditions of his service such person is entitled to have his pension converted at a different rate of exchange then his pension shall be converted at the rate:

[Provided further that, if such person has opted, or opts, for the pension rules and rates which were introduced from the first day of July, 1966, or which may be introduced subsequently, he shall be entitled to have his pension converted into rupees or sterling, as the case may be at the rate of exchange for the time being authorized by the State Bank of Pakistan :

Provided also that, if such person has opted for the pension rules and rates which were introduced from the first day of July, 1966, he shall not be liable to reimburse any amount drawn before the twelfth day of May, 1972 at the rate of one shilling and six pence to the rupee].

SI. No. 43 Payment of Pensions through Pakistan Mission in Canada,

etc.- Reference:-Note below Appendix 15 to C.S.R.

The President has been pleased to decide that the pensions to pensioners residing in Canada may be paid through the Embassy of Pakistan in Canada.

2. The Pakistan Embassy in Canada in respect of its function as the pension disbursing agency would act as a Central Treasury and the procedure for payment of pensions from the Imprest Account will mutatis mutandis be the same as for payment of pensions payable at a Treasury in Pakistan as contained in Chapter VI of the Compilation of Treasury Rules (Vol. 1).

3: The amount of Imprest if required to be increased would be determined by the Ministry of Foreign Affairs in consultation with the Chief Accounts Officer, Foreign Affairs, Islamabad. The Mission will prepare schedules of payment in respect of pensions debitable to Defence Services Estimates, the Provincial Governments, the

“Added vide Ordinance No.III of 1981, dated 24-1-1981.

Railways and the Post Office and Telephone ' and Telegraph Departments and send the same to the Chief Accounts Officer, Foreign Affairs with their monthly accounts. The latter would raise debits in respect of pensions against the C.M.P., Lahore, and other Accounts Officers concerned who will make necessary adjustment in the usual manner.

4. Any pension sanctioned and authorized for payment in Canada after the issue of these orders will be authorized by the Accounts Officer concerned to be paid according to the above procedure. A copy of the authority will also be endorsed to the Chief Accounts Officer.

5: The existing arrangements for payment of pensions to pensioners residing in Canada by the Pakistan Embassy in United Kingdom will be discontinued with effect from the 1st October, 1967 after which payment of pensions in Canada shall be arranged by the Pakistan Embassy in that country. The Pakistan Mission in Canada may obtain the requisite documents through diplomatic channels and arrange payment on the basis of the existing authorities. These authorities will be confirmed by the Accounts Officer concerned as and when the Mission inform him of their having taken over the pension payment.

[Authority.-Finance Division O.M.No.F.4(2)-R.VI/67, dated 29-8-1967]. SI. No. 44

Reference .- Appendix 15 to C.S.R.

The President has been pleased to decide that the pensions to pensioners residing in New Zealand may be paid through the Embassy of Pakistan in Australia.

2. The Pakistan Embassy in Australia in respect of its function as the pension disbursing agency would act as a Central Treasury and the procedure for payment of pensions from the Imprest Accounts will mutatis mutandis be the same as for payment of pensions payable at a Treasury in Pakistan as contained in Chapter VI of the Compilation of Treasury Rules (Vol. 1).

3. The amount of Imprest if required to be increased would be determined by the Ministry of Foreign Affairs in consultation with the Chief Accounts Officer, Ministry of Foreign Affairs, Islamabad. The Mission will prepare schedules of payment in respect of pensions debitable to Defence Services’ Estimates, the Provincial Governments, the Railways and the Post Office and Telephone and

Telegraph departments and send the same to the C.A.O. with their monthly accounts. The latter would raise debit in respect of pensions against the C.M.P., Lahore, and other Accounts Officers concerned who will make necessary adjustment in the usual manner.

4. Any pension sanctioned and authorized for payment in New Zealand after the issue of these orders will be authorized by the Accounts Officer concerned to be paid according to the above procedure. A copy of the authority will also be endorsed to the Chief Accounts Officer, Ministry of Foreign Affairs, Islamabad.

5. The existing arrangements for payment of pensions to pensioners residing in New Zealand by the Pakistan Embassy in United Kingdom will be discontinued with effect from the 1st October, 1967, after which

payment of pensions in New Zealand shall be arranged by the Pakistan Embassy in Australia. The Pakistan Mission in Australia may obtain the requisite documents through diplomatic channels and arrange payment on the basis of the existing authorities. These authorities will be confirmed by the Accounts Officer concerned as and when the Mission inform him of their having taken over the pension payment.

[Authority.-Finance Division O.M. No.F.4(5)-R.VI/67, dated 29-8-1967].

SI. No. 45

In terms of para 3 of the Presidential Order No. 14 of 24th August, 1959 a pensioner who takes up residence abroad is entitled to draw pension in foreign exchange during the period of such residence. All such payments are, however, made through normal banking channel in accordance with the decision contained in this Ministry's O.M. No. F. 1(1) EF (B.II)/72, dated the 23rd June, 1972. (Annexure).

2. Since payments in foreign exchange through Embassies of

Pakistan abroad are not allowed to be made without prior approval of this Ministry, problem has arisen in cases where pensioners want payments of their pensions being made in foreign through Pakistan Missions abroad. The matter has been considered at length and it has been decided that the following procedure shall be adopted for drawal of pensions by the Pakistani pensioners through Pakistan Missions abroad.

Such pensioners can be placed in the following three categories:

(i) Federal Government Pensioners. (Civil) (ii) Federal Government Pensioners. (Defence) (iii) Provincial Government Pensioners.

A Pakistani pensioner belonging to any of these three categories desiring to draw pension through a Mission abroad, should approach his Audit Officer for this purpose and the Audit Officer will provide the requisite funds in the Assignment Account of the Ministry of Foreign Affairs together with necessary foreign exchange component.

3. The Chief Accounts Officer, Ministry of Foreign Affairs, on receipt of requisite funds in the Assignment Account and the Payment Authority from Account Office concerned will arrange payment to the pensioner through the missions concerned. The provision for pension payments in the account circle of the respective Accounts Office shall continue to be made as at present in respect of all the three categories of pensioners mentioned above.

4. The mechanism in the Accounts Offices concerned shall be that the Accounts Officer concerned shall forward both halves of the existing P.P.O. of the pensioner to the Chief Accounts Officer, Foreign

Affairs with a sealed letter of authority for arranging payment through the mission concerned. The Chief Accounts Officer, Foreign Affairs will record on the P.P.O. an endorsement showing name of the mission where pension is to be paid and then forward both the halves of the P.P.O. to the mission concerned. The pensioner will be advised to contact the mission and receive his own copy of the P.P.O. for getting monthly payments.

[Authority.- Finance Division O.M.No.F.1(10)-EF(B-II)/79-2340, dated 17-11-1980]. ANNEXURE

Copy of Finance Division's O. M. No. F.1(1)-EF(B.1I)/72, dated 23rd June, 1972.

Foreign Exchange Budget

Certain Public and Semi-public Agencies do not follow the instructions laid down in this Ministry's letter No. 4(1-A)/EF (B)/66, dated 7th June, 1967 and continue asking Pakistani Missions abroad for making payments on their behalf. The Pakistan Missions are sometimes placed in a very embarrassing situation and have no alternative except to make the payment in contravention of this Ministry's orders referred to above. It has therefore, been decided to bring these orders to the notice of Divisions/ Departments that all payments be arranged through normal banking channels after obtaining foreign exchange cover from the Ministry of Finance, External Finance Wing wherever necessary. The Pakistani Missions are being directed not to entertain any requests from Divisions/ Departments and Officials proceeding abroad on duty or on leave for payment of any amount in foreign exchange unless prior approval of Ministry of Finance, External Finance Wing has been obtained and communicated to the Mission concerned.

SI. No. 46

According to the proviso to Section 3 of the President's Order No. 14 of 1959, a person is entitled to receive his pension in sterling for the period of his residence outside Pakistan. The term "residence" includes temporary visits abroad. A question has been raised whether the term "residence" also includes the time spent in transit from the point of exit from Pakistan to the point of entry in Pakistan. The matter has been considered in this Ministry and it has been decided to follow the analogy of leave salary ex-Pakistan as given in the Government decision No.(1)below F.R.91.

[Authority.-Finance Division O.M.No.F.4(9)-R-6/67, dated 18-3-1968].

SI. No. 47

Payment of Pension in foreign countries where Sterling, Pound is not the currency.- Under the proviso below para 3 of the Pension and Provident Funds (Payment in Rupees) Order, 1959 a pensioner is entitled to draw his pension in sterling during the period he resides outside Pakistan. A question has been raised whether a pensioner, who resides abroad in a country in which sterling is not the currency, can be paid his pension in the currency of that country. The President is pleased to decide as follows :

(i) If a pensioner, who has opted for the New Pension Rules and Rates as contained in this Ministry's Office Memorandum No. OB-2/12/63-IMP_ (I)/66, dated the 18th August, 1966 and whose pension when payable in sterling is to be converted into sterling at the official rate of exchange for the time being in force, resides abroad in a country where currency is other than the sterling

and has not demanded payment in sterling, payment of pension shall be made to him for the period of his residence in that country in the currency of that country at the rate of exchange prevalent on the date of payment without first converting rupees into sterling. However, if the pensioner demands payment in sterling in such a country he would be entitled to draw his pension in sterling.

(ii) If a pensioner, who continues to be governed by his old pension rules and whose pension when payable in sterling for the period of his residence abroad, resides in a country where the currency is not sterling, payment of his pension shall be made to him by first converting it into sterling at the rate of exchange as prescribed in para 4 of the order referred to above or in the proviso to that para, as the case may be and thereafter, it should be converted into the currency of that country at the official rate of exchange between the sterling and the currency of that country prevalent at the time of payment.

[Authority.-Finance Division O.M.No.F.4(9)-RI/67, dated 8-3-1969]. SI. No. 48

Payment of Pension in Foreign Exchange.- Reference Finance Division's Office Memorandum No. OB 2/12/63-Imp (I), dated 18th August, 1966, introducing the Revised Pension Rules and Rates. According to para 12 thereof all pensions sanctioned thereunder when payable in sterling are required to be converted into sterling at the rate of exchange for the time being in force. Enquiries have been received in this Ministry as to whether and if so, how, the payment in foreign exchange of the pensions of Pakistan pensioners residing

abroad would be effected as a result of recent devaluation of Pak. rupee. It is clarified for general information that consequent on the devaluation of Pakistan rupee the pensions determined under 1966 - Pension Rules will now be converted into sterling at the new official rate of exchange prescribed as a result of devaluation of Pak. rupee. This will apply to all payments made on or after the date of devaluation of Pakistan rupee irrespective of the period to which they relate.

2. The payment of pension in sterling in the case of the pensions who do not fall within the purview of Revised Pension Rules, 1966, or who have elected to retain the pre-1966 pensionary benefits would continue to be governed by the provisions of Article 934 CSR, or Article 983 CSR, as the case may be, read with paras 3 and 4 of the pensions and Provident Funds (Payment in Rupees) Order, 1959 (President's Order XIV of 1959).

[Authority.- Finance Division O.M.No.F.6(22)-Reg.(6)/72, dated 8-9-1972].

SI. No. 49

Reference para 2 of Finance Division Office Memorandum of even number dated 8th September, 1972. A doubt has been raised as to whether the payment of pension in sterling in the case of those governed by the provisions of Article 934 or 983 CSR, as the case may be, read with paras 3 and 4 of the President Order XIV of 1959 would remain intact or be varied with the fluctuations of the rate of exchange. It is clarified that in all cases governed by the aforesaid provision in the Civil Service Regulations, the amount of pensionary entitlement in pound sterling is to be determined at the rate of Is. 9d or Is bd to a rupee, as the case may be. The amount of sterling pension

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so sanctioned has to be remitted at the current rate of exchange. In other words, while the amount of sterling pension to be remitted will remain unaltered, the rupee equivalent will fluctuate according to the rate of exchange.

[Authority.- Finance Division O.M.No.F.6(22)-Reg.(6)/72, dated 22-11-1978]. Rate of Commutation SI. No. 50

Mode of determination of commutation.- Under the existing rules a civil pensioner is eligible to commute at his option 50% of his gross pension. He has also the option to draw "/4th amount of gross pension as gratuity and '/,th amount thereof as commutation. The President has been pleased to decide that w.e.f. 1-7-1986 gratuity shall be abolished altogether. Commutation upto 50% of gross pension shall, however, continue to be admissible at the option of a pensioner.

2. It has further been decided to replace the existing Commutation Table by the new Commutation Table as annexed to this Office Memorandum.

3. Under the existing rules, if a civil servant dies while in service, gratuity in lieu of one-fourth of the gross pension is allowed. In such cases, the rate of gratuity as from 1-7-1986 will be determined on the basis of age next birthday of the deceased civil servant in accordance with the new Commutation Table referred to above.

[Authority.-Finance Division O.M.No.F-10(3)-Reg.(6)/86(II), dated 1-7-1986].

ANNEXURE TO FINANCE DIVISION O.M. No.F.10(3)

89 REG.(6)/86, DATED THE IST JULY, 1986.

COMMUTATION TABLE

Age next Number of years' Age next Number of years'

birthday purchase birthday purchase (1) (2) (3) (4)

20 50.6304 50 22.8911 21 49.6676 51 22.0658 22 48.7066 52 21.2563 23 47.7467 53 20.4638 24 46.7884 54 19.6896 25 45.8314 55 18.9348 26 44.8758 56 18.2002 27 43.9215 57 17.4860 28 42.9688 58 16.7925 29 42.0179 59 16.1191 30 41.0089 60 15.4649 31 40.1218 61 14.8290 32 39.1767 62 14.2105 33 38.2336 63 13.6090 34 37.2929 64 13.0239 35 36.3551 65 12.4549 36 35.4203 66 11.9017 37 34.4885 67 11.3643 38

33.5603 68 10-8428 39 32.6361 69 10.3371 40 31.7160 70 9.8472 AL 30.8007 71 9.3729 42 29.8907 72 8.9142 43 28.9800 73 8.4708 44 28.0891 74 8.0427 45 27.1990 75 7.6299 46 26.3172 76 7.2322 47 25,4444 77 6.8496 48 24.5816 78 6.4818 49 23.7301 79 6.1287

80 5.7901

SI. No. 51

Rate of commutation on retirement of a Civil Servant on 60 years of age.- Under the existing rules a civil servant can apply for commutation before the age of sixty years but he is allowed the commuted value at the rate prescribed for 61 years of age under the Commutation Table. The President has been pleased to decide that a civil Servant retiring on or after 1-7-1986 after attaining the age of 60 years shall be allowed commuted value of pension as applicable at the age of 60 years instead of at the age of 61 years if he applies for commutation while in service.

2. In all other cases the commuted value of pension shall continue to be admissible under the formula of "age next birthday" as heretofore.

[Authority.- Finance Division O.M.No.F.10(3)-Reg.(6)/86(1), dated 1-7-1986].

SI. No. 52

Medical Examination not required if commutation applied for within one year, of the date of retirement.-It should not be necessary to submit to medical examination if commutation is asked for within one year of the date of retirement. The pensioner should apply to the Accounts Officer who would authorize payment, and a copy of the letter of authority issued to the D.A.O., T.O./Branch of National Bank will be endorsed to the administrative authority concerned.

In the case of issue of provisional pension, the commutation may be provisionally paid on the basis thereof, but when the pension is finally sanctioned the final payment order shall be substituted for the provisional payment order for the purpose of commutation as also for all other purposes. In the case of premature retirement on medical grounds the requirement of medical examination shall not be waived. This decision shall take effect from 1st February, 1977

notwithstanding the date given in para 3 of the Finance Division O.M. No. F. 5(l)-Reg. (6)/77, dated 24-2-1977. [Authority.- Para 1(k) of Finance Division O.M. No.F.5(1)-Reg.(6)/77, dated 24-2-1977 as substituted by their O.M. No. F.5(1)-Reg (6)/77, dated 20-5-1978 as amended vide their addendum No. F.5(l)-Reg.(6)/77, dated 3-6-1978].

SI. No. 53

Under rule 6(2) of the Civil Pension (Commutation) Rules, commutation becomes absolute, that is, the title to receive the commuted portion of the pension ceases and the title to receive the commuted value accrues, on the date on which the Medical Board signs the medical certificate. A question has now been raised as to the date on which commutation should be considered as having become absolute where, as provided in para 5(c) of this Division Office Memorandum No. F. 6(1)Rev. 1/75, dated the 7th January, 1977 the commutation is not subject to medical certification if it is asked for within one year of the date of retirement. The matter has been carefully considered and it has been decided that in such cases the date of application by the retired civil servant shall be the date of the commutation becoming absolute.

[Authority.- Finance Division O.M.No F.6(1)/75, dated 29-3-1977].

SI. No. 54

Option for Commutation of pension.- \t was clarified in the Finance Division O.M. No. F. 6(1)-Rev. I/75, dated the 14th January, 1979 that in case a pensioner who does not opt to draw gratuity equal to 25% of his gross pension, he can commute up to 50% of the gross pension. The matter has since been further reviewed. It has been decided that the aforesaid orders of 14th January, 1979 will be treated to be effective from the 1st February, 1977, the date from which the financial benefits under the Liberalized Pension Rules were allowed. It has further been decided that those retired civil servants who had

drawn gratuity for 25% of gross pension on or after 1st February, 1977 but before the issue of this Division's O.M. dated 14th January, 1979, will be allowed to change their option for 50% commutation, and the difference, if any may be paid to them.

[Authority.- Finance Division O.M.No.F.15(2)Reg.(6)/81, dated 4-1-1982].

SI. No. 55

Grant of commutation to the widow of Government servant retired on Superannuation but expired before signing his Pension/Commutation claims .- Reference Finance Division's O.M.No.10(3)-Reg.6/86(II) dated 1.7.1986, commutation upto 50% of gross pension is admissible to a civil pensioner at his option. Under the existing procedure, the entitlement of commuted value upto 50% of gross pension becomes valid as and when a Government servant, while in service or on retirement, exercise his option for commuted value of pension on prescribed Form (CSR-25 Revised). Few references have been received in this Division wherein Government servants, while having retired on superannuation, could not sign their pension papers due to their death. Consequently the bereaved families of deceased pensioners were not given benefit of the commuted value of pension under the existing rules and orders.

2. The case has been considered and it has been decided that the family of a deceased Government servant, who after having retirement on superannuation could not sign his pension papers due to death, will also be entitled for the commuted value of pension w.e.f. 1.7.1999.

[Authority:- Finance Division O.M.No.13(1)-Reg.6/94, dated 6-7-1999.

Liberalized Pension Rules for Civil Servants

SI. No. 56

The question of liberalizing the existing pensionary benefits has been under the consideration of Government for some time past. It has now been decided that pensions and retirement benefits of those civil servants who have retired or died on or after the 1st March, 1972, shall be determined in accordance with the following provisions.

A. ACCRUAL OF FINANCIAL BENEFITS

2. While pensions of civil servants will be fixed in accordance with these provisions with effect from the date of their retirement financial benefits will be paid with effect from 1st February, 1977.

B. RATE AND SCALE OF PENSION

3. (a) Pension shall be calculated at the rate of 70% of average emoluments on completion of 30 years qualifying service. Where qualifying service is less than 30 years but not less than 10 years, proportionate reduction in percentage shall be made. Any amount of pension in excess of ‘Rs. 2,000 shall be reduced by 50%. A revised Pension Table regulating all the four pensions, namely, compensation Pension, Superannuation Pension, Invalid Pension and Retiring Pension is enclosed as Annexure I.

(6) If, for a pensioner with qualifying service of 30 years or more, the amount of a pension calculated under sub-para (a) above

falls short of the amount of pension (inclusive of dearness increases) that would have been admissible under the existing rules, or exceeds it by less than Rs. 45, the amount under the liberalized formula shall be so increased as to make such difference one of Rs.45. Where qualifying service is less than 30 years but not less than 10 years, proportionate reduction at the rate of Rs. 1.50 for each year short of 30 years shall be made while working out the amount of minimum increase mentioned above.

(c) The term "emoluments", /.e., pensionable pay, shall also include dearness allowances sanctioned from time to time.

(d) On the pensions sanctioned under these orders such dearness increases in pensions shall not be admissible as were sanctioned before 1st February, 1977.

(e) Special Additional Pension shall be abolished.

“Subs vide Finance Division O.M.No.F.6(3)-Reg.(6)/79, dated 28-6-1980.

C. GRATUITY FOR SERVICE OF LESS THAN 10 YEARS BUT NOT LESS THAN 5 YEARS

4. (a) The existing rate shall continue. If, however, retirement is due to invalidation, or if a civil servant dies in service, the rate shall be 1-1/2 months' of pay for each completed year of service.

(6) The maximum limit of Rs. 12,500 shall be removed.

D. GRATUITY AND COMMUTATION FOR PENSIONERS RETIRING AFTER 10 YEARS' SERVICE

5. (a) Subject to sub-paras (b) and (c) below, a pensioner shall

be allowed to draw full gross pension, /.e., one-fourth of the pension under Pension-cum-Gratuity Scheme, 1954, need not compulsorily be paid in the form of gratuity.

(6) But if a pensioner so wishes, he may, at any time before the expiry of one month from the date of his retirement, ask for gratuity upto 25% of his gross pension together with the remaining net amount of pension; the gratuity shall be paid at the existing rates.

(c) The existing provision for commutation of a further 25% of the gross pension under Civil Pensions (Commutation) Rules shall continue to be in force; the commutation shall be at the existing rates. Commutation shall, however, not be subject to medical certification if it is asked for within one year of the date of retirement.

E. FAMILY PENSION

6. (a) In the case of death of a civil servant while in service, gratuity in lieu of one-fourth of the gross pension will be allowed at existing rates. In addition, family pension shall be admissible for a period of 10 years at 50% of the gross pension.

(6) In the case of death within 10 years of retirement, family pension for the unexpired portion of 10 years at 50% of the pension (net, or gross, as the case may be) shall be admissible.

F. PENSIONS/GRATUITIES FOR INJURY OR DEATH IN COURSE OR CONSEQUENCE OF DUTY

7. The classification of disabilities and the criteria for determining their attributability to service under the Central Civil Services (Extraordinary pension) Rules shall be as detailed in Annexure II. The rate and scale of disability/death pension

and gratuity shall be as follows:-

DISABILITY PENSION/GRATUITY

Children's pension

Class of | Pension

Injury

Gratuity

A 20% of pay subject to a pay. maximum of Rs.600 anda minimum of Rs. 100 p.m.

(Note: After death it will devolve on the widow).

6 months

Child without own mother 5% of pay,

Child with own mother living 2-1/2% of pay

subject to subject to a

a maximum

maximum of

of Rs. 100Rs.50 anda

and minimum

of Rs. 50 Rs.25 per

minimum of

Children's pension

Class of Pension without Child with B 15% of pay Nil subject to a maximum of Rs. 450 anda minimum of Rs. 75 p.m.

Gratuity

Cc Do Nil

DEATH (SPECIAL FAMILY) PENSION/GRATUITY

20% of pay 6 months subject to a Pay maximum of

Rs. 600 and

a minimum

per child. child. Injury Child own mother mother living 4% of pay 2% of pay subject to subject to a a maximum of maximum of Rs.80 and Rs.40 and minimum of minimum of Rs. 40 perRs. 20 per child. child. Nil Nil

5% of pay, subject to a maximum of Rs.100 and

a minimum of

2-1/2% of pay subject to

a maximum of Rs.50 and minimum of

a7

of Rs.100 Rs. 50 perRs. 25 per p.m. child. child.

[Note.- As at present, the pensions/gratuities mentioned in this para will be in addition to the pensions

and/or gratuities mentioned in paras 3 to 6 above]

G. PENSIONERS WHO RETIRED BEFORE 1-3-1972

8. Such pensioners shall be entitled to have their retirement pensions recalculated in accordance with one of the following alternatives whichever is more favourable to them:-

(i) The amount of their pensions shall be recalculated on the basis mentioned in para 3 (a) above, on their average emoluments, without dearness increases sanctioned before 1st February, 1977 ; or

(ii) an increase of 5% (in the case of an employee who retired between 1st July, 1963 and 29th February, 1972) or 12-1/4% (in the case of an employee who retired upto 30th June, 1963) over his existing gross pension, plus dearness increases admissible thereon.

[Note.- For the purpose of these computations, the average emoluments will remain as calculated at the time of his retirement. Gratuity will not be revised or recalculated. Commutation will be allowed on the basis of the original gross pension.]

9. If the demise of an existing pensioner occurs or occurred on or after 1st March, 1972, within ten years of his retirement, family pension will be admissible for the unexpired portion of ten years.

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H. FAMILY PENSION IN EXISTENCE ON 1-3-1972

10. If a family pension in existence on 1st March,1972, related to a civil servant who had died while in service, the total period of the admissibility of family pension will be ten years instead of five years. If a family pension in existence on 1st March, 1972, related to a civil servant who had died within five years of his retirement, the total period of admissibility of the family pension in such a case shall be the unexpired portion of ten years instead of five years. The amounts of family pensions in either case shall remain the same as on 1st March, 1972.]

|. AMENDMENT OF EXISTING RULES 11. The existing rules and general orders on the subject — shall be deemed to have been modified to the extent indicated in the

preceding paragraphs.

12. Necessary amendments to the rules shall be notified in due course.

[Authority.-Finance Division O.M. No. F.6(l) Rev.I/75, dated 7-1-1977].

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“Subs. vide Finance Division O.M. No. F. 6(1) Rev.I/75 dated 15-3-1977.

ANNEXURE |

REVISED PENSION TABLE

Scale of pension

Completed years of expressed as qualifying service fractions of average emoluments. TOS ori Oye oces 70/300 ch ae eee meres necren etre 77/300 US. oiteteaddediareatees 84/300 TO. - caneeehalaciyases 91/300 WA Apert bdteeeeuens 98/300 USS .yevverissuntaienese 105/300 MGs. scredeseteates devine 112/300 A? . sieeeevecntnges. 119/300 1G. '-hcgeneareleiataiee 126/300 OO); aro vGaventasteaty 133/300 ZOr-cunstroecantns 140/300 2, aia cant. 147/300

ZA. * Stancil teatehanin 154/300

100

2S - Hud athoedicens 161/300 2a _ deladitticienead 168/300 DGS. i totiteesiiei tad 175/300 2G, siivadieseReneitedes 182/300 2 —-Saaddaadtentndicas ees 189/300 DE. - sshissiuahetroacacsads 196/300 QO wien eran 203/300 30 and above 210/300

Note.-

Class ~

Any amount in excess of 'Rs. 2,000 p.m. calculated in accordance with the scale shown in column (2) of this Table shall be reduced by 50%.

ANNEXURE Il

PART |

CLASSIFICATION OF DISABILITY

A!

1. Loss of a hand and a foot or loss of use of two or more limbs.

2. Total loss of eye-sight.

3. Total loss of speech.

4. Total deafness both ears.

5. Paraplegia or hemiplegia.

Note.-

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Lunacy. Very severe facial disfigurement. Advanced cases of incurable disease.

Wounds, injuries or diseases resulting in a disability due to which a person becomes incapacitated.

Emasculation.

Wounds, injuries or disease of limb resulting in damage of nerves, joints, or muscles making the whole of limb useless would mean loss of that limb. Cases in which a partial function is retained will not be included in this class. However if the partial retention of function does not help in walking in case of leg or does not help in holding an object even with partial efficiency, it should be considered as total loss of function. Those cases will also be included in this class where the earning capacity of the civil servant has been totally impaired due to the invaliding disability.

"Subs vide O.M. No.

Class *B' 1.

2.

Class *C'

F. 6(3)-Reg. (6)/79, dated 28-6-1980.

Loss of a thumb or at least three fingers of hand.

Partial loss of one or both feet at or beyond tarsometatarsal point.

Loss of vision of one eye.

Loss of all toes of one or both feet.

102 1. Limited restriction of movement of joint due to injuries. 2. Disease of a limb restricting performance of duties. General Note.-When the wound, injury or illness causing the disability is not entered in the above schedule, the disability shall be assessed by the medical board at the classification most closely corresponding to those given above.

PART Il

PRINCIPLES AND PROCEDURE FOR DETERMINING ATTRIBUTABILITY TO SERVICE OF DISABILITY

(A) Casualties due to wound or injury

(1) It should be established in such cases that the cause of the casualty was the result of duty in service.

(2) Where the injury resulted from the risk inherent in service attributability will be conceded.

(3) An individual is on duty for 24 hours of the day except when on leave other than casual leave.

(4) An individual will be deemed to be in the performance of duty when-

(i) he is physically present in his headquarters;

(it) he is travelling on leave at Government expense

(iii) | when travelling to or from duty (e.g., from

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residence to place of duty and back but not whilst he is in his residence);

(iv) whilst travelling on duty /e., where it is established that but for the duty he would not have been travelling at all.

(5) Disability resulting from purely personal acts such as shaving or similar private pursuits would not normally be treated as attributable to service.

(6) Disability resulting from violence provoked by performance of duty will be viewed as attributable to service unless the circumstances of the case warrant a different conclusion.

(7) If circumstances are such that service played no part in the causation of disability, attributability will not be conceded.

[lustration.-If a person driving a motor cycle etc., on duty, collides with a truck, the injury received may be attributed to service but if he is out for a walk and sustains injury from a passing truck, his case will not qualify for the concession.

(B) Casualties due to disease

(a) The cause of disability resulting from a disease will be regarded as attributable to service only when it is directly due to risks which may be regarded as peculiar to the circumstances of duty in service. In determining attributability in such cases due regard should be paid to the question whether service in a particular region or of a particular type, involved exposure to exceptional risk of contraction of, or infection by a disease, as well as to the actual circumstances of the case.

(6) Attributability will not be conceded if, though contracted during the period of actual performance of duty, the disease, is, in the opinion of the medical authorities concerned, due to risks which cannot be regarded as peculiar to such duty in service.

(c) Where a disease or its aggravation resulted from the risk of duty, attributability/aggravation will be conceded.

(d) All cases of tuberculosis and bronchial asthma will be accepted as attributable to or aggravated by service where the medical opinion is in favour of the acceptance.

(e) Attributability/aggravation in all cases of Cardiac disease will be determined in accordance with the guidelines mentioned at the end of this part.

(f) Where medical or other supporting documents are incomplete, cases will be dealt with on merits with due regard to medical opinion and other evidence.

GUIDELINES FOR DETERMINING ATTRIBUTABILITY/ AGGRAVATION IN CASES OF CARDIAC DISEASES

1. There are many pre-disposing factors which may precipitate an attack of coronary occlusion. No single factor can be pin-pointed as being responsible for such an attack. It is, therefore, not easy to lay any hard and fast rule for awarding attributability/aggravation in such cases. For the guidance of medical and administrative authorities some of the factors which may precipitate the attack of heart disease are enumerated below:-

(a) Physical exertion.-Coronary occlusion is known to have precipitated during or immediately following physical exertion. Physical exertion may not necessarily be of

an unusual character i.e., lifting of a heavy bundle, pushing a stalled vehicle or an up-hill climbing have in many instances been followed by an attack of Coronary occlusion. The effects of exertion are worse if the individual is unduly fatigued, has lack of sleep or is under emotional stress. Attributability will be conceded if a person under going stress and strain, pressure and counter pressure by virtue of the nature of his duties, develops psychiatric problem.

(b) Emotional strain.-The occurrence of Coronary disease in persons who had been under an unusually severe and protracted emotional strain points to a probable relationship between the two. Separation from families, uncongenial atmosphere, frequent moves, all add to mental strain and psychological trauma.

2. The question of attributability/ aggravation of heart diseases on occurrence in otherwise a normal individual who is subjected to the above mentioned factors will, therefore, have to be considered and decided in the light of known history and merits of each case.

3. While dealing with such cases due precaution will be exercised by all concerned to carefully bring out detailed merits of the case as award of attributability/aggravation depends on their candid opinion.

SI. No. 57

Clarifications have been sought by certain quarters of some of the provisions contained in Finance Division Office Memorandum No. F. 6(l)Rev. 1/75, dated the 7th January, 1977. The points raised are Clarified in the succeeding paragraphs:-

i)

ii)

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Procedure for starting revision of calculation of pensions.- The Accounts Officers concerned should on the basis of the orders contained in the Office Memorandum of 7th January, 1977, start making revised calculations without waiting for applications.

Gratuity.-ls the difference between the gratuity (/.e, the amount payable in lieu of one-fourth of gross pension to persons having service of ten years or more) admissible on the basis of pension as calculated in accordance with the new formula and the gratuity calculated in accordance with the old formula payable to persons who retired or died on or after 1st March, 1972?

According to the provisions contained in paras (i) and (ii) of Finance Division Office Memorandum of 7th January, 1977, pensions of civil servants who retired/retire or died/die or on after 1st March, 1972 will be calculated from the date of their retirement, or death, as the case may be, but the financial benefits will be paid with effect from 1st February, 1977 only. This means that no arrears of pension for any period before 1st February, 1977 are payable. Otherwise the new rules remain effective from 1st March, 1972 in all respects; hence, any difference in gratuity that may accrue as a result of revision of the gross pension is payable.

Commutation of Pensions.- Is the difference in commuted value resulting from an increase in the amount of gross pension as calculated under the new rules payable?

v)

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To a civil servant who retired/retires on or after ist March, 1972, and has already had a certain percentage (not exceeding 25) of his gross pension commuted, the difference in commuted value is payable without medical certification, on the same percentage, and at the rate applicable in the case of the original commutation(s). _ Commutation(s) higher than that percentage (but not exceeding 25) will require medical certification and will be calculated on the basis of age next birthday.

Gratuity for service of less than 10 years but not less than 5 years.- Should it be revised on the basis of the provisions contained in para 4 of this Division Office Memorandum of 7th January, 1977, where payment have already been made and difference paid ?

In the case of those who have retired or died on or after 1st March, 1972, the gratuity is to be calculated at the new scale, and difference (if any) paid.

Family pensions in existence on 1st March, 1972.- Are

the arrears payable to cover the period beyond 5 years 2

As the life of the family pension has been extended from 5 to 10 years, it is evident that, in all cases where the period of 5 years terminated on or after 1st March, 1972, the arrears will be payable to cover the remaining period beyond five years. The amount of pension would, of course, remain unchanged.

[Authority.- Finance Division O.M.No.F.6(1)-Rev.|/75, dated 25-1-1977].

108 SI. No. 58

The term “dearness increases’, wherever occurring in the Finance Division Office Memorandum No. F.6(1)Rev.I/75, dated the 7th January, 1977 includes the following four increases granted as relief to pensioners :-

1. Ad hoc increase sanctioned vide this _ Division's Notification No. F. 9(4)-Reg. (6)/72, dated the 13th June, 1973.

2. Dearness increase sanctioned under this Division's

Office Memorandum No. 1057-R4/73-F.II (I) R-1/73, dated the 15th August, 1973.

3: Special dearness increase sanctioned under this Division's Office Memorandum No. F. 9(l)-Reg (6)/74, dated the 10th June,1974.

4. Additional dearness increase sanctioned vide this Division's Office Memorandum No. F. 9(l)-Reg. (6)/75, dated the 9th April, 1975.

[Authority.- Finance Division O.M.No.F.6(1)-Rev.|/75, dated 8-2-1977].

SI. No. 59

A question has been raised as to how the average emoluments should be calculated in respect of those Civil Servants who were posted abroad during the period of three years (or a portion thereof) preceding their retirement. The matter has been carefully considered and it has now been decided that the dearness allowances which a Civil servant would have drawn in Pakistan but for

the posting abroad may be taken into account and included in the term ‘emoluments’ on notional basis.

[Authority.- Finance Division O.M.No.F.6(1)-Rev.|/75, dated 11-3-1977].

SI. No. 60

It has been brought to the notice of Finance Division that in some cases the "take-home" pension under the liberalized rules (viz. gross pension as calculated under para 3 thereof, minus one-fourth surrendered for the purpose of gratuity) is less than the "take-home" pension under the former rules (viz., gross pension as calculated under those rules minus one-fourth surrendered for the purpose of gratuity, plus the ad hoc increase and the dearness increases). The matter has been considered, and it has been decided that, if a pensioner wishes not to avail of the benefit of receiving a lump-sum by way of difference in gratuity and wishes instead that his "take-home" pension be not reduced, he will not be compulsorily paid that lump-sum.

2. Pensioners who do not indicate, by 30th June, 1977, their desire to forego such lump-sum payment will be presumed to have opted for the lump-sum payment.

3. The same provisions as above will apply in the case of commuted portions of gross pensions.

[Authority.- Finance Division O.M.No.F.6(1)-Rev.I/75, dated 12-3-1977].

SI. No. 61

It has been decided that with effect from 1st July, 1980 the amount of pension in excess of Rs. 2,000 (instead of Rs. 1,000) shall be reduced by 50 per cent. Therefore, the figure of Rs. 1,000 shall be substituted by the figure of Rs. 2,000 referred to in para 3(a) of the

Finance Division Office Memorandum No. F. 6(1)-Rev. I/75, dated the 7th January, 1977, and in the Note below the Revised Pension Table at Annexure | thereto.

2. It has also been decided that where the enhancement of the cut off point to Rs. 2,000 as mentioned in para 1 above results in no increase or an increase of less than Rs. 40 in the pension, it shall be so determined that a minimum benefit of Rs. 40 p.m. is ensured.

[Authority.- Finance Division O.M. No.F.6(3)-Reg.(6)/79, dated 28-6-1980]. SI. No. 62

It has been decided that the families of those pensioners who retired within 10 years preceding to 1st March, 1972 will also be entitled to family pension for the unexpired portion of 10 years after the death of the pensioner.

[Authority.- Finance Division O.M.No.F.6(1)-Rev.1/75, dated 3-2-1979].

SI. No. 63

Calculation of pension on average emoluments last pay drawn.- It has been decided that the "average emoluments" shall be calculated for the purpose of pensionary benefits on the basis of the last twelve months of service.

2. These orders shall be applicable to all Civil servants retiring on or after the 1st February, 1979.

[Authority.- Finance Division O.M.No.F.6(9)-Reg.(6)/78, dated 15-2-1979].

SI. No. 64

Reference Finance Division O.M. No. F. 6(9)-Reg. (6)/78, dated the 15th February, 1979. The decision contained therein was intended to be applicable in cases where the average calculated on that basis was more favourable than under the rules previously in force. It has accordingly been decided that in cases where the pay of a Government servant has been reduced, otherwise then as a penalty, under the Government Servants (Efficiency and Discipline) Rules, the average for the purpose of pension may, at the option of the pensioner, be calculated on the basis of the emoluments drawn or which would have been drawn, during the last three years of service.

[Authority.- Finance Division O.M. No.F.6(9)-Reg.(6)/78, dated 16-6-1979].

SI. No. 65

Under the existing rules, pension is calculated on the average emoluments drawn during the last 36/12 months of service. The President has been pleased to decide that w.e.f. 01-7-1986 the pension of a civil servant who shall retire on or after this date shall be calculated at the existing rate on last pay/emoluments drawn provided the post has been held by him on a regular basis. Otherwise pension shall be calculated on average emoluments as admissible prior to the issue of this Office Memorandum.

2. The existing employees shall have the option to have their pension calculated either on the basis of last pay/emoluments drawn or on 12 months average emoluments whichever is more beneficial to them. No option will, however, be available to persons entering service on or after 01-7-1986 and in their case pension shall be calculated at the prescribed rate on last pay/emoluments drawn.

[Authority.- Finance Division O.M.No.F.10(4)-Reg.(6)/86, dated 1-7-1986]

SI. No. 66

Calculation of Pension without Applying any Reduction Due to Cut Off Points.- According to the existing orders pension is calculated at the rate of 70% of average emoluments on completion of 30 years qualifying service. Where qualifying service is less than 30 years but not less than 10 years, the pension is calculated at the percentage applicable according to length of service. Any amount of pension in excess of Rs. 2500 is reduced by 50%. The President has been pleased to decide that with effect from the ist July 1985, the reduction by 50% of the pension in excess of Rs. 2500 shall not be applied in the case of those government servants who will retire on or after 1-7-1985. In all such cases the pension shall be calculated at the rate of 70% of average emoluments or other percentage rate applicable according to length of qualifying service without applying any reduction.

2. The President has also been pleased to decide that the pension/family pension of those who retired/died between the period 1-7-1966 to 30-6-1985 and in whose case the reduction of pension in excess of the cut off points of Rs. 600, 1000, 2000 and 2500 existing at the time of their retirement/ death was applied, shall also be that as calculated previously without applying any reduction subject to the condition that the amount of re-calculated pension governed by the Pension Rules, 1966 shall not exceed the maximum limit of pension referred to in the pension table annexed to Finance Division Office Memorandum No. OB 2/12/63-Imp (I), dated 18-8-1966. In such cases gratuity or commutation will not be revised or re-calculated. The pensioner concerned or his family will only be allowed the benefit of enhanced pension with effect from 1-7-1985 without any arrears.

3. The benefit of gratuity or commutation will also not be admissible on the revised enhanced pension in cases wherein the pensioners concerned did not exercise their option to draw any gratuity or commutation at the time of their retirement. In such cases the benefit of gratuity or commutation will continue to be admissible on the original amount of gross pension in accordance with the prescribed rules.

[Authority.- Finance Division O.M.No.F.10(7)-Reg.(6)/85, dated 25-6-1985]. SI. No. 67

Benefit for extra years of service after completion of 30 years.- Under the existing rules a civil servant is entitled to full pension on completion of 30 years qualifying service. In order to provide additional benefit to those civil servants who serve beyond 30 years of service, the President has been pleased to decide that a civil servant who shall retire on or after 1-7-1986 shall be allowed benefit to the extent of 2% of his gross pension for each extra years of service put in by him beyond 30 years qualifying service subject to a maximum of 10% of his gross pension.

[Authority.- Finance Division O.M. No. F. 11(d)-Reg. (6)/86, dated 1-7-1986]. SI. No. 68

Under the existing rules and orders Government servants retired prior to 1.7.1986 are not entitled to any benefit of service rendered after completion of 30 years qualifying service. It has been decided that the Government servants retired prior to 1.7.1986 shall also be allowed the benefit to the extent of 2% of gross pension for each extra year of service put in by him beyond 30 years qualifying service subject to a maximum of 10% of his gross pension from 1.7.1986. No arrears will be allowed prior to 1.7.1986.

2. Commutation/gratuity of any part of the additional amount will not be admissible.

3. Indexation on pension and ad hoc relief allowed from 1.7.1986, (i.e. 4°/2% of pension upto Rs.1500/- and 37/2% of pension above Rs.1500/-) 1.7.1987, 1.7.1988 and 1.7.1990 respectively will also be admissible on the above amount.

4. The above benefit will also be applicable/admissible to family pensions.

[Authority:- Finance Division O.M.No.F.6(2)/Reg(6)/91 dated 13-6-1991].

SI. No. 69

The benefit of extra year of service has normally been allowed on completed year of service. Superior Courts in certain cases, however, allowed the benefit for the fraction of a year by counting more than six months service put in by a civil servant beyond 30 years as one year.

2. The case has been re-considered in the light of the Judgement of Supreme Court of Pakistan and existing regulations on the subject. In terms of CSR-423(1) a deficiency of a period not exceeding six months in qualifying service of an officer is deemed to have been condoned automatically. Cases of pension under reference should henceforth be dealt with in accordance with the above referred CSR.

[Authority:- Finance Division O.M.No.F.1(1)-R.6/99, dated 2-6-1999].

SI. No. 70

Restoration of 1/4th amount of Gross Pension surrendered compulsorily in lieu of Gratuity under the Pension-cum-Gratuity Scheme 1954.- Under the existing rules a civil pensioner is eligible to commute at his option 50% of his gross pension. He has also the option to draw 1/4th amount of gross pension as gratuity and 1/4th thereof as commutation. Under this Division Office Memorandum No. F. 10(8) Reg. (6)/85, dated 25-6-1985, 1/4th amount of commutation was restored to the pensioners out-living the period of commutation. The President has now been pleased to decide that civil pensioners including those paid from Defence Services Estimates who availed the benefit of gratuity only and had not drawn commutation shall also be restored the amount of gratuity (1/4th of gross pension) only as and when they out-live the period for which the gratuity was paid.

2. In restoring the amount of gratuity, the rate of gratuity would be divided by 12 to arrive at the period of gratuity. For instance if a pensioner had received the gratuity at the rate of Rs.160, his period of gratuity would work out to 13.33.

3. While restoring the amount of gratuity, fraction of a year which is less than 6 months will be ignored and that of 6 months and more will count as one year.

4. No arrears on account of restoration of the amount of gratuity will be payable in any case for the period prior to 1-7-1986 due to the completion of the period for which the gratuity was paid.

[Authority.- Finance Division O.M.No.F.10(5)-Reg.(6)/86, dated 1-7-1986].

SI. No. 71

Revival of the Family Pensions ceased to be payable before 1-7-1983.- Reference para 2 of Finance Division's

Office Memorandum No. F. 1(3)-Reg. (6)/83 dated the 23rd October, 1983, in which it was indicated that family pension of a widow which had ceased to be payable before 1-7-1983 was not to be revived for life from that date. The President has been pleased to decide that the pensions of such widows which ceased to be payable before 1-7-1983 on account of expiry of prescribed period of 5/10 years will also be revived for life with effect from the dates these ceased to be payable. The amount of family pension that will be revived shall be equal to the same amount of family pension as was drawn and payable immediately before it ceased to be admissible. In cases in which the gross pension is required to be re-calculated on account of elimination of the reduction of pension due to cut off points referred to in this Division Office Memorandum No. F. 10(7)-Reg. (6)/85 dated the 25th June, 1985, the amount of family pension may be worked out on the basis of re-calculated amount of gross pension.

2. No arrears will, however, be payable for the period prior to 1-7-1985.

3. The other instructions on the subject will be the same as applicable to family pensions which were in existence on 1-7-1983.

[Authority.- Finance Division O.M. No. F. 5(2)-Reg.(6)/85, dated 25-6-1985].

SI. No. 72

Grant of Family Pensions to those widows whose husbands died after drawal of pension for 5/10 years before 1-7-1983.- Reference Finance Division's Office Memorandum No.F. 5(2)R. 6/85 dated the 25th June, 1985 (SI.No. 71) on the subject noted above and it is stated that according to the instructions contained therein, the pensions of such widows which ceased to be payable before

1-7-1983 on account of expiry of prescribed period of 5/10 years have been revived for life with effect from 1-7-1985. There is yet another category of widows of government servants whose husbands had died before 1-7-1983 after drawal of pension for 5/10 years. The President has been pleased to decide that such widows may also be paid family pension for life at 50% of the pension (net or gross as the case may be) w.e.f. 1-7-1985 without any arrears.

2. In cases where the gross pension is required to be re-calculated on account of elimination of the reduction of pension due to cut-off points referred to in this Division's Office Memorandum No. F. 10(7)-R. 6/85 dated the 25th June, 1985, the amount of family pension may be worked out on the basis of re-calculated amount of gross pension.

The other instructions on the subject will be the same as applicable to family pensions which were in existence on 1-7-1983.

[Authority.- Finance Division O.M.No.F.5(2)-Reg.(6)/85 dated 5-8-1985].

SI. No. 73

Grant of Family Pension to the Widows of those Civil Servants who had retired before 24-3-1954 or who did not opt for the Pension- cum-Gratuity Scheme of 1954.- Reference Finance Division's Office Memorandum of even number dated the 25th June, 1985 and 5th August, 1985 regarding revival/grant of Family pensions, it is stated that the orders contained therein do not cover the categories of the widows of the following Government servants:-

(i) who had retired before 24-3-1954 i.e. before the Pension-cum-Gratuity Scheme was introduced by the Government of Pakistan; and

(ii) who did not opt for the Pension-cum-Gratuity Scheme and whose pension was sanctioned under the rules in force prior to 24-3-1985.

2. The President has been pleased to decide that such widows may also be paid family pension for life at 50% of the pension (net or gross, as the case may be) w.e.f. 1-7-1985, without any arrear.

3. The other instructions on the subject will be the same as applicable to family pensions which were in existence on 1-7-1983.

[Authority.- Finance Division O.M. No. F. 5(2) Reg.(6)/85 dated 10-12-1985].

SI. No. 74

Admissibility of Pension for Life to a Widower.- Under existing rules/orders on the subject, family pension is admissible to widower of a deceased female government servant for a period of 10 years or un-expired portion of 10 years and to a widow for life or until re- marriage. It is also stated that w.e.f. 01.03.1992 the widower of deceased female government servant will also be entitled to family pension for life or until re-marriage.

2. The other instructions on the subject will continue. [Authority.- Finance Division O.M.No.F.2(2)Reg.(6)/91, dated 12-3-1992].

SI. No. 75 Grant of Family Pension to the widows of Civil Servants

who had died while in service prior to 24-3-1954.- Reference Finance Division O.M. No. F. 5(2)/Reg. (6)/85 dated the 25th June, 1985, 5th

August, 1985 and 10th December, 1985 regarding grant of family pension, it is stated that the orders contained/ therein do not cover the widows of civil servants who had died while in service prior to 24-3-1954. The President has been pleased to decide that such widows may also be paid family pension w.e.f. 1-7-1987 for life at the rate of 50% of the gross pension admissible to the deceased civil servant in each case.

2. No arrears for the period prior to 1-7-1987 would be admissible.

3. [The family pension shall be admissible to the widow for life or until remarriage.]

4. The other instructions on the subject will be the same as applicable to family pensions which were in existence on 1-7-1983.

[Authority.-Finance Division O.M. No.F. 5(4)-Reg.(6)/87 dated 11-8-1987].

SI. No. 76

Payment of family pension in the case of employees

who remain missing for 12 months.- Reference Finance Division's O.M.No.5(1)-Reg.6/87, dated 4.3.1987 in which it was decided that if an employee remains missing or unheard of for a period of 7 years to the satisfaction of the department concerned, family pension may be allowed to his heirs as admissible under the prescribed rules. The President has been pleased to decide that, with effect from 24th September, 1997, if an employee remains missing or unheard of for a period of 12 months to the satisfaction of the Department concerned, family pension may be allowed to his heirs as admissible under the prescribed rules provided that :-

(i) The spouse of the pension claiming to be entitled to the

pensionary benefits of the missing person shall, before such benefits are paid, guarantee, through affidavit or as the pensionary authority may require, the repayment of pensionary benefits to the

“Subs vide Finance Division O.M. No. F. 5 (4)-Reg. (6)/87 dated 23-8-1987.

missing person if subsequently he appears and makes any claim thereto.

(ii) The pensionary authority shall not be responsible for repayment of any pensionary benefits to the missing person which have already been paid to his spouse or family members who shall personally be responsible for satisfaction thereof on appearance of the missing person.

[Authority:- Finance Division O.M. No.F.2(1)-Reg.6/97, dated 25-9-1997].

SI. No. 77

In continuation of Finance Division's O.M. No. F.2(1)-Reg.6/97 dated 25-9-1997 on the above cited subject, the undersigned is directed to say that the concession admissible thereunder shall also be admissible in cases a pensioner remains missing or unheard of for a period of 12 months to the satisfaction of the Department concerned, family pension may be allowed to his heirs as admissible under the prescribed rules and subject to the condition mentioned in O.M. dated 25-9-1997 referred to above.

[Authority:- Finance Division O.M. No.F.2(1)-Reg.6/99, dated 8-5-1999].

Central Civil Services (War Injuries Pension) Rules, 1965

SI. No. 78

In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178 of the Constitution, the President is pleased to make the following rules, namely :-

1.

These rules may be called the Central Civil Services (War Injuries Pension) Rules, 1965. They shall come into force at once and shall be deemed to have taken effect on the sixth day of September, 1965.

In these rules,-

"duty" has the meaning assigned to that expression in rule 9(6) of the Fundamental Rules ; "war injury" has the meaning assigned to that expression in section 2 of the War Injuries Ordinance, 1941 (VII of 1941).

Where a person, other than a Military Officer serving under the operational Command of the Pakistan Army to whom the Superior Civil Services (Extraordinary Pension) Rules, 1936, apply sustains a war injury while on duty, or dies of a war injury so sustained, awards shall be made in accordance with the provisions of those Rules as if the injury were received as a result of risk of office:

Provided that if the authority making an award is satisfied that the war injury has been received as a result of "Special risk" as defined in rule 3 of the said Rules, the award shall be made in accordance with the provisions of those Rules as if the injury were received

as a result of special risk of office.

Where a person to whom the Central Civil Services (Extraordinary Pension) Rules, 1937, apply sustains a war injury so sustained, awards shall be made in accordance with the provisions of those Rules as if the injury were received as a result of risk of office:

Provided that if the authority making an award is satisfied that the war injury has been received as a result of "Special risk" as defined in rule 3 of the said Rules, the award shall be made in accordance with the provisions of those Rules as if the injury were received as a result of special risk of office.

Where a person to whom the rules in Chapter XXXVIII of the Civil Service Regulations apply sustains a war injury while on duty otherwise than on service with a military force, or dies of a war injury so sustained, awards shall be made in accordance with the provisions of those rules as if the injury were received in the performance of a duty which had the effect of increasing his liability to injury or death beyond the ordinary risk of the Civil appointment held by him.

Nothing in these rules shall be deemed to authorize or require the making, in respect of the same injury-

(a) of an award under rule 3 of these rules as well as an award under the Superior Civil Services (Extraordinary Pension) Rules, 1936; or

(b) of an award under rule 4 of these rules as well as an award under the Central Civil Services

(Extraordinary Pension) Rules, 1937; or

(c) of an award under rule 5 of these rules as well as an award under Chapter XXXVIII of the Civil Service Regulations.

re The Central Civil Services (War Injuries Pension) Rules, 1942 are hereby repealed but such repeal shall not affect the awards already made under those Rules, or the making of awards in respect of war injuries sustained before the commencement of these rules.

[Authority.- Finance Division S.R.O. No.172(K)/66, dated 11-2-1966].

124

Extension of the Principle of Movement to all Employees of the Federal Government

Sl. No.

Reference Finance Division’s O.M.No.F.1(69)-R.3/85, dated 1.1.1986 on the above subject and to state that it has been decided to revise the criterion for move-over from B.19 to 20. The Finance Division’s O.M.No.F.1(82)-R.3/85, dated 1.1.1986 is accordingly amended as under:-

(i)

(il)

(iii)

Clause vi, para 1 of the Finance Division’s O.M. dated 1.1.1986 may be substituted with the following:

“For move-over from B-19 to 20, at least three Good reports

without any adverse entry during the last five years. The period of five years shall be inclusive of the year of move-over.”

Sub-para (b), clause (ii) of para 5 of the guidelines may be substituted with the following:

b) are generally good in the case of move over to scale 19. In clause (ii), the following new sub-para(s) may be added:-

c) are good for at least three years for move over to BPS-20.

[Authority.- Finance Division’s O.M.No.F.1(82)-R.3/85, dated 6.11.1986].

Extension of the Concession of

Movement to Civil Servants as well as Employees of the Corporations/ Autonomous Bodies

SI. No.

125

Reference para 2(2) of Finance Division’s O.M.No.F.1(1)-R.3/86, dated 15.6.1986 on the above subject and to say that enquiries are being received from the Ministries/Divisions, as to whether service rendered by the employees in other Departments, under the Federal or Provincial Governments, should be counted to determine the requisite length of service prescribed for move-over to next higher pay scale.

2. The matter has been considered in Finance Division in consultation with the Establishment Division. It has been decided that the service rendered by an employee on regular basis in other Government departments under the Federal/Provincial Governments may be included in the length of service, specified in para 2(2) of this Division O.M.No.1(1)-R.3/86, dated 15.6.1986, for move-over subject to the following conditions:-

(i) There is no break in service between the period of previous service rendered by an employee in other Government Departments, under Federal or Provincial Governments and the service rendered by him in the existing Federal Government Department and that his previous service in other government departments has been counted towards fixation of pay in the new/existing Federal Government Department with the approval of the competent authority; and

(il) The period of leave without pay should be excluded in calculating total service required for moveover. 3. It is also clarified that in such cases, no benefit of service in posts in BPS-16 and below, if any, shall be admissible. However, benefit of service in posts in BPS-16 and below (vide para 2(3) of the Finance Division O.M. dated 15.6.1986) shall be admissible only where first initial appointment has taken place in BPS-16 and below and not in a post in BPS-17, 18 or 19 which is already covered by para 2(2) of Finance Division O.M. under reference.

[Authority.- Finance Division's O.M.No.F.1(20)-R.3/85, dated 16.9.1986].

Extension of the Principle of Move-over to all Employees of the Federal Government

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Sl. No.

Reference Finance Division’s O.M.No.F.1(82)/-R.3/85, dated 1.1.1986 as amended vide O.M. of even number dated 6.11.1986 on the above subject and to state that it has been decided to revise the criteria of ACRs for the purpose of move-over from B-16 to B-19. This Division’s O.Ms, referred to above, are accordingly amended as under:-

(i) Clause iii para-1 of Finance Division’s O.M. dated 1.1.1986 may be substituted with the following:-

“For move-over from B-16 to B-17, at least one good report without any adverse entry, during the last five years inclusive of the year of move-over”

(il) Clause iii and vi. para-1 of Finance Division’s O.M. dated 1.1.1986 may be substituted with the following:-

“For move-over from B-17 to B-18 and B-18 to B-19, at least two good reports without any adverse entry during the last five years inclusive of the year of move- over”.

(iii) Sub-para(a), SI.(b), clause (ii) of para-5 of the guide lines annexed to O.M. dated 1.1.1986 may be substituted with the following:- (a) Are good for at least one year for move-over to scale-17. (b) Are good for at least two years for move-over to next scale 18 and 19. (iv) Para (ii) of this Division’s O.M. of even number dated 6.11.1986 may be substituted with the following:- “are good for at least two years for move-over to scale 18 and 19”.

[Authority.- Finance Division’s O.M.No.F.7(1)-Imp.1I/90-Vol.Il, dated 7.2.1991].

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128

CLARIFICATION OF QUESTIONS ARISING FROM ABSORPTION OF SURPLUS STAFF DRAWING PAY IN SELECTION SCALE

Sl. No.

The undersigned is directed to say that clarifications have been sought by Ministries/Divisions in regard to the following two issues inthe context of absorption of surplus staff drawing, pay in Selection Grade:

(i)

0)

How should the pay of a civil servant holding a post in Selection Grade be fixed on his absorption .in another Department after being declared surplus in his parent Department inhis parent Department?

How would the absorption of a surplus civil servant drawing pay in Selection Grade affect the Selection Grade-/-Scale prospects of those holding the same posts in regular pay scales in the Department in which a surplus employee is absorbed.

2. These issues have been considered in consultation with the Establishment Division and it has been decided that:

(i)

Rule 3(3) of the Civil. Servants (Appointment, Promotion and Transfer) Rules, 1973 lays down that a person rendered surplus as a result of reorganization or abolition of a Government Department. Office or permanent post in pursuance of any Government decision or a measure of, economy, may be appointed to a post in the basic pay scale to which he belonged, if he possesses the — qualifications and

fulfills other conditions applicable to the post.

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This implies that he is required to be absorbed in the regular scale of pay sanctioned for the post. _"" The pay of "such -an employee, therefore, has to be fixed in the regular pay scale of the post at an appropriate stage as ifhe was holding a post inregular pay scale in. his parent Deparment The difference, if any, between the pay so fixed and the actual pay, that,such a civil servant may have been :drawing-,in Selection Grade may be sanctioned to him, as his Personal Pay. Such Personal Pay would-be reduced by any amounts by which the recipient's pay may be_ subsequently increased by way of annual increment or in any other, manner and shall' cease as. soon as his pay is increased by the amount equal to his Personal Pay.

(il) With regard to the second question, Rule .4 of Civil Servants (Seniority) Rules. 1993 re ad_ with" Establishment Division's O.M.No.13/3/93-D-2(Pt), dated 12- 9-1994 say that the surplus employee on _ their absorption in another Department are to be placed junior to the employees already working in that organization in the relevant post, service or cadre. « For this reason and in view of 'the position explained in (i) above, the absorption of surplus staff drawing pay in Selection Grade shall not affect the prospects of grant of Selection Grade to the existing employees in the prescribed manner.

[Authority.- Finance Division's O.M.No.F.1(79)Imp/97.Vol.VII, dated 31.7.2000.

LIBERALIZED PENSION RULES FOR CIVIL SERVANTSFAMILY PENSION

130 Sl. No.

The undersigned' is directed to refer para B(2) (a) (i) of this Division's O.M.No.1(13)-Reg.6/83, dated the 23rd October, 1983 on the subject noted above.

2. Enquiries have been received in this Division whether a share in the family pension of the widow or the children after some time who become ineligible will be transferred to the surviving eligible heirs? The matter has been considered in this Division and it has been decided that a share of the widow or children who after some time become ineligible will be transferred or divided equally to the other surviving widows or children as the case may be.

[Authority.- Finance Division's O.M.No.F.2(2)-Reg.6/96-V, dated 8.8.2000.

GRANT OF MINIMUM PENSION TO EX-BURMA POLICE PENSIONERS

Sl. No.

The undersigned is directed to state that the President has been pleased to decide that the ex-gratia minimum pension. of the ex Burma Police pensioners and _ their surviving widows drawing pension from. Pakistan treasuries, be raised to Rs.300/- p/m and Rs.150/- p.m _ respectively (without accepting the final responsibility/liability) with effect from 1st August, 2000 with no arrears.

2, The expenditure on account of these pensions should continue to be maintained in separate head. 3. Any increase in pension allowed to Pakistani pensioners

is not admissible to these pensioners.

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[Authority.- Finance Division's O.M.No.F.2(3)-Reg.6/93-IV, dated 8.8.2000.

132

GRANT OF COMMUTATION TO THE WIDOW OF GOVERNMENT SERVANT RETIRED ON INVALIDATION BY MEDICAL BOARD BUT EXPIRED BEFORE SIGNING HIS PENSION/COMMUTATION CLAIMS

With reference to Finance Division's O.M. No.10(3)-Reg.8/86(Ill) dated 01.07.1986, and to state that Commutation upto 50% of gross pension is admissible to a civil pensioner at his option. Under the existing procedure, the entitlement of commuted value upto 50% of gross pension becomes valid an and when a Government servant, while in service or on retirement, exercises his option for commuted value of pension on prescribed Form (CSR-25 Revised). Few references have been received in this Division wherein Government servant, while having retired on invalidation by Medical Board, could rot sign their pension papers due to their death. Consequently the bereaved families deceased pensioners were not given benefit of the commuted value of pension under the existing rules and orders.

2. The case has been considered and it has been decided that the family of a deceased Government servant, who aftrhaving retirement having retirement on invalidation by Medical Board, could not sign his pension papers due to death, will also be entitled for the commuted value of pension henceforth.

[Authority.- Finance Division's O.M.No.F.13(1)-Reg.6/94, dated 22.5.2001.

SIMPLIFICATION OF PROCEDURES REGARDING PENSIONS

Reference to this Finance Division's Office Memoranda F. 5 (1) -Reg. 6/ 7 7 — dated 24.2.1977, F.6(4)-Reg.6/79 dated 22.03.1981, F. 13(4)Reg.6/89 dated 24.1.1991 and F.13(4)-Reg.6/89 dated 14.4.1996 which require the expeditious settlement of pension cases to eliminate the in-ordinate, delay. Ministries/ Divisions/Departments are required to send pension papers to the A.G's Office six months before the date of retirement. It has been observed that most of the pension cases of the retiring employees are submitted incomplete and late by various Ministries/Divisions/Departments to the offices of Accountant General resulting into delay in the finalization of pension cases.

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2. All Ministries/Divisions/Departments may follow the instructions contained in this Division's Office Memoranda, dated 24.2.1977, 22.3.1981, 24.1.1991 and 14.4.1996 referred to above, for strict compliance so that pensioners receive pension payments without the slightest.

[Authority.- Finance Division's O.M.No.F.13(4)-R.6/89, dated 14.6.2001.

CHAPTER IX

GENERAL PROVIDENT FUND

134

GENERAL PROVIDENT FUND

"Extracts from the General Provident Fund (Central Services) Rules

SI. No. 1

(XXX XXX XXX)

1. (c) Family means -

(i)

(ii)

In the case of a male subscriber, the wife or wives and children of a subscriber, and the widow and widows, and children of a deceased son of the subscriber. Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Accounts Officer that she shall continue to be so regarded.

In the case of a female subscriber the husband and children of a subscriber, and the widow or widows and children of a deceased son of a

subscriber.

XXXXKXXX XXX XXX

“1. Complete set of Rules is available in the Compendium of Rules Applicable to Federal Government Employees published by the Pakistan Public Administration Research Centre (PPARC) (1992 edition).

2. Where necessary Central Government (Class IV Servants) Provident Fund Rules 1966 may also be consulted. These are also available in the Compendium of Rules Applicable to Federal Government Employees published by the PPARC (1992 edition).

"6. (1) All eligible Government servants in permanent pensionable and non-pensionable service and those temporary or officiating Government servants who have completed 2 years “continuous temporary and/or officiating service shall join the Fund as compulsory subscribers.

(2) All other eligible Government servants may elect to join the Fund as optional subscribers.

XXXXXX XXX XXXX

8. Nominations.- (1) A subscriber shall, as soon as may be after joining the Fund, send to the Accounts Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having become payable has not been paid.

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If a subscriber nominates more than one person under sub- rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the

whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the Forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer:

“Subs with effect from 1-9-1951. “Executive Authorities should inform the Accounts Officer concerned as soon as any Government servant becomes liable to subscribe.

Provided that the subscriber shall, along with such notice, send a fresh nomination made in accordance with the provisions of sub-rules (1) to (8).

(5) Without prejudice to the provisions of sub-rule (4), a subscriber shall along with every nomination made by him under this rule send to the Account Officer a contingent notice of cancellation which shall be in such one of the Forms set forth in the Second Schedule as is appropriate in the circumstances.

(6) Immediately on the occurrence of any event by reason of which the contingent notice of cancellation referred to in sub-rule (5) becomes operative and the nomination to which that notice relates consequently stands cancelled, the subscriber shall send to the Account Officer a fresh nomination made in accordance with the provisions of sub-rules (1) to (3).

(7) Every nomination made, and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Account Officer.

(8) Nothing in sub-rules (1) to (3) shall be deemed to invalidate or to require the replacement by a nomination thereunder of, a nomination duly made before, and subsisting on the 4th September, 1941:

Provided that in respect of every such nomination, the subscriber shall, as soon as may be after the said date send to the Account Officer a contingent notice of cancellation in such one of the Forms set forth in Second Schedule as is appropriate in the circumstances.

9. Subscribers Accounts .- An account shall be prepared in the name of each subscriber and shall show the amount of his subscriptions with interest thereon calculated as prescribed in sub- rule (2) of Rule 14.

10. Conditions and Rates of Subscriptions .- (1) Except as provided in rule 7, a subscriber shall subscribe monthly to the Fund except during a period of suspension:

Provided that a subscriber may, at his option, elect not to subscribe during leave:

Provided further that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum, or in installments, any sum not exceeding the maximum amount of arrear subscriptions permissible for that period.

(2) The subscriber shall intimate his election not to subscribe during leave in the following manner :-

(a) If he is an officer who draws his own pay bills, by making no deduction on account of subscription in his

first pay bill drawn after proceeding on leave.

(b) If he is not an officer who draws his own pay bills, by written communication to the head of his office before he proceeds on leave. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The option of a subscriber intimated under this sub-rule shall be final.

(3) A subscriber who has, under rule 30, withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal unless and until he returns to duty.

(11. (1) The amount of subscription towards G.P. Fund shall be fixed by the Government from time to time.

(2) Where on account of promotion or reversion of a

“Subs vide Finance Division Notification No. S.R.O. 423(1)/90, dated 24-4-1990.

subscriber his rate of subscription changes the change shall take effect only from the 1st of June next]. XXX XXX XXX

14. Interest .- (1) Subject to the provisions of sub-rule (5) below, Government shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year according to the method of calculation prescribed from time to time by the Government of Pakistan:

Provided that, if the rate of interest determined for a year is less than 4 per cent, all existing subscribers to the Fund in the year preceding that for which the rate has for the first time been fixed at less than 4 per cent, shall be allowed interest at 4 per cent.

(2) Interest shall be credited with effect from last day in each year in the following manner :-

(i) on the amount at the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year-interest for twelve months;

(ii) on sums withdrawn during the current year interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal;

(iii) | on all sums credited to the subscriber's account after the last day of the preceding year-interest from the date of deposit up to the end of the current year:

(iv) | the total amount of interest shall be rounded to the nearest whole rupee, fifty paisa counting as the next higher rupee:

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing at the credit of the subscriber became payable.

(3) In this rule, the date of deposit shall, in the case of a recovery from emoluments, be deemed to be the first day of the month in which it is recovered; and in the case of an amount forwarded by the subscriber, shall be deemed to be the first day of the month of receipt if it is received by the Account Officer before the fifth day of that month, but if it is received on or after the fifth day of that month, the first day of the next succeeding month.

(4) In addition to any amount to be paid under rules 29, 30 or 31, interest thereon up to the end of the month preceding that in which the payment is made [ ] shall be payable to the person to whom such amount is to be paid;

Provided that where the Account Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash, or has posted a cheque in payment to that person, interest shall be payable only up to the end of the month preceding the date so intimated, or the date of posting the cheque, as the case may be:

“Provided further that if the person claiming the payment does not send an application in that behalf within six months of the date on which the amount standing at credit of the subscriber has become payable under Rule 29, interest shall be payable upto the end of sixth month after the month in which the amount became payable.

™““Note.- Where the payment of accumulations in the fund or any part thereof standing to the credit of a subscriber is delayed for administrative reasons (Such as accounting for the missing credits, transfer of account from one audit office to an other audit

‘[ ] The words “or upto the end of the sixth month after the month in which such amount become payable, whichever of these periods be less" omitted vide Finance Division Notification No. 9(7)-R.3/65, dated 9-10-1965.

“Added vide Finance Division Notification No.F.8(8)/R-8/71, dated 8-8-1972.

™ Added vide Finance Division Notification No. S.R.O. 423(1)/90, dated 24-4-1990.

office or other similar reasons) interest on the accumulations or, as the case may be, the part thereof shall be payable upto the end of the month preceding that in which the payment of the accumulations or any part thereof is made."

(5) Interest shall not be credited to the account of a Muslim subscriber if he informs the Account Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) The interest on amounts which under sub-rule (3) of rule 13, sub-rule (5) of rule 16, sub-rule (3) of rule 19, sub-rule (4) of rule 21, sub-rule (1) of rule 23, sub-rule(1) or (2) of rule 24, rule 29 or rule 30 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner described in this rule.

15. Advances from the Fund .- (1)A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the appropriate authority specified in the Sixth Schedule, subject to the following conditions:-

(a) No advance shall be granted unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it, and that it will be expended on the following object or objects and not otherwise:-

(i) to pay expenses incurred in connection with the prolonged illness of the applicants or ‘[the applicants spouse] any person actually dependent on him;

“Ins vide Finance Division Notification No.F.2(3)-R8/71, dated 12-1-1972.

(ii) to pay for the overseas passage for reasons of

(ii)

health or education of the applicant or any person actually dependent on him;

to pay obligatory expenses on aé_ scale appropriate to the applicant's’ status in connection with funerals, or ceremonies which by his religion it is incumbent on him to perform for in connection with his marriage or the marriage of any member of his family] “[or of a female relative who is actually dependent on him;].

Provided that an advance for the purchase of a motor car, motor cycle or bicycle may be granted, subject to the terms and conditions laid down in paragraphs 254 to 263-A of the General Financial Rules, Volume |, to a subscriber whose deposits in the Fund Carry no interest and who does not take any advance for that purpose

from Government.

(b)

The sanctioning authority shall record in writing its

reason for granting the advance.

@I(c) An advance shall not exceed three months pay half of

the amount at the credit of the subscriber in the fund, whichever is less, except for special reasons. The subscriber shall state the special reasons in the application submitted for the grant of advance but if the reason is of a confidential nature which the subscriber

does not want to disclose in writing it may be, or caused to be, communicated to the sanctioning authority

personally and confidentially.

‘Ins vide Finance Division Notification No.F.1(17)-RI(3)/57, dated 22-9-1960

“Added vide Finance Division Notification No.F.14(1)-R2(RWP)/62, dated 13-3-1962. ™ Added vide Finance Division Notification No. F.9(21)-R3/65, dated 10-2-1966. ® Subs vide Finance Division Notification No. S.R.O. 423(1)/90, dated 24-4-1990.

(d) A second advance may be allowed but only in rare and exceptional cases and subject to the following conditions :-

(i) A second advance shall be sanctioned by the authority next above the sanctioning authority.

(ii) The authority sanctioning the second advance shall record reasons for sanctioning the second advance; and

(iii) | The outstanding balance of the first advance with interest, if any, shall be recovered from the amount of the second advance being sanctioned so that only one advance remains outstanding at one time].

"15-A. An advance for construction of a house (anywhere in “Pakistan) for occupation by the subscriber himself “[or completely reconstructing or for extending/renovating house already owned by the government servant concerned or by his wife and children or by any of them,] may be granted to him from the amount standing to his credit in the Fund at the discretion of the appropriate authority specified in the Sixth Schedule subject to the following conditions, namely:-

(a) Advance shall be granted as nearly as may be in accordance with the terms and conditions set out in paragraph 253-A of General Financial Rules, except as expressly provided in this rule.

(b) Advance shall in no case exceed ©(24) months pay of

the subscriber or 80% of the amount at the credit of the subscriber in the fund, whichever is lesser.

“Ins vide Finance Division Notification No.F.30(1)-RI/50, dated 1-2-1951.

“Ins vide Finance Division Notification No.F.11(2)-R.6/68, dated 23-10-1969 and takes effect from 30-8-1969.

™ Added vide Finance Division O.M.No.F.1(8)-Reg.(8)/77, dated 19-5-1977.

@Subs for "18" with effect from 8-6-1962 vide Finance Division Notification No.F.9(5)-R.3/65, dated 29-3-1965.

(c) The sanctioning authority shall see that the land and the house constructed thereon, for which the advance is granted, is mortgaged to the President in the form set forth in the Seventh Schedule to these Rules, within three months after the advance is drawn.

(d) Mortgage deed shall be registered within four months of its execution.

(e) recovery shall be made at the rate of the “[7%] of the subscriber's pay commencing from the fourth issue of pay after the 1st instalment of the advance is drawn.

Provided that, where the amount of the advance does not exceed 18 months' pay of the subscriber, recovery shall be made at 5% of the pay.

@115-B. (1) Only three non-refundable advances one each after attaining the age of 45, 50 and 55 years, shall be admissible to a subscriber.

(2) A non-refundable advance applied for after the subscriber had attaining the age of 45 years but before attaining the age of 50 years shall be admissible for the purposes and subject to the conditions mentioned herein :-

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Construction of a house (any where in Pakistan) on land owned by him or by his wife or children or by any of them. The advance shall mutatis mutandis be governed by the same terms and conditions as are applicable to an advance granted under rule 15-A.

“Subs vide Finance Division Notification No.F.12(9)-R.2(RWP)/63, dated 30-10-1964. “Subs for "5" with effect from 8-6-1962 vide Finance Division Notification No.F.9(5)-R.3/65, dated 29-3-1965.

“Ins with effect from 8-6-1962 vide Finance Division Notification No.F.9(5)-R.3/65,

dated 29-3-1965.

®Rule 15-B, Subs vide Finance Division Notification No.S.R.O.423(1)/90, dated 24-4-1990.

(ii)

(ii) (iv) (v)

Conditions:

(a)

Completely re-constructing or for extending or renovating a house already owned by the Government servant concerned or by his wife and children or by any of them. The advance shall mutatis mutandis be governed by the same terms and conditions as are applicable to an advance granted under rule 15-A.

Purchase of agricultural land. Purchase of house for his residence.

Repayment of loan taken from a financial institution].

Save as provided in clause (c), no recovery of the advance shall be made from the subscriber and the amount advanced shall be treated as part of the final payment of the amount standing to the credit of the subscriber when the final payment becomes due.

(b)

(c)

(d)

(e)

(f)

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The land purchased, or the house constructed or reconstructed by expending the amount of the advance shall not be required to be mortgaged with the President.

The first instalment of the advance, or where the subscriber desires to draw the amount of the advance in a lump sum, shall be drawn only after an agreement is executed between the subscriber and the President in the forms set forth in the Eighth,Ninth or Tenth Schedule to these Rules,as the case may be.

In case the reconstructed house, the house, or the agricultural land as the case may be, is sold or otherwise alienated while the subscriber is in service, the subscriber shall forthwith repay into the Fund the entire amount of the advance together with interest accrued thereon, in a lump sum.

In case the advance for purchase of a house is not utilized for the purpose for which it has been drawn within three months of drawal, the subscriber shall forthwith repay into the Fund the entire amount of the advance together with interest accrued thereon, in a lump sum. Satisfactory evidence shall be produced before the Account Officer to show that the advance has been spent within three months of its drawal.

Where an advance is applied to repay a loan taken from a financial institution the sanctioning authority shall Satisfy itself of the amount of loan taken from a financial institution and the balance payable. The amount of advance shall not in any case, exceed the balance

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payable by the subscriber. The subscriber shall, within a period of two weeks from the date of drawal of the advance to repay the loan taken from a financial institution, produce satisfactory evidence before the Account Officer to show that the advance has been utilized for the purpose for which it was drawn, failing which the entire amount will become refundable in lump sum with interest.

(3) No reasons are required to be given for the advances after the subscriber has attained the age of 50 years.

(4) The amount of each advance shall not exceed eighty per cent of the balance in the account of the subscriber on the date of application for grant of advance.

(5) An advance drawn from G.P. Fund account on refundable basis, may be allowed to be converted into a non-refundable advance if the subscriber has in the meanwhile attained the age of 45 years.

General Instructions SI. No. 2

Uniform Rates of Subscription towards General Provident Fund.- Reference Finance Division's O.M. No.F.1(5)-Reg.7/87- (D.583/90)/Dy.1076/91, dated 28-09-1991, regarding uniform rates of subscription it is stated that consequent upon the revision of basic pay scales for the civil employees of the Federal Government vide Finance Division's O.M.No.F.1(2)-Imp/94(i), dated 15-06-1994, it has been decided to revise the rates of subscription towards General Provident Fund as shown in column 6 of the Annex to this O.M. The deductions from the pay of employees in BPS 1-16 on the basis of new rates shall be made in June to be paid on 01-07-1994 and for

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Government employees in BPS-17 and above w.e.f. June, 1995 paid in July 1995 and onwards, until further orders.

2. There shall be no option to postpone subscription to the above fund either during leave (except extraordinary leave without pay) or during the training period. In cases of suspension, recovery of arrears of subscription towards the fund, will be effected if re- instatement takes place. However, the subscriber shall be allowed the option of paying in one sum, or in installments, any sum not exceeding the maximum amount of arrear subscriptions permissible for that period.

[Authority.- Finance Division O.M. No.F.1(5)-Reg.7/87(D.583/90)-D.793/94, dated 1-2-1995].

Annexure

Pay Minimum Maximum Mean Minimum Scale subscription (on mean) subscrip- at the rates shown in column 7. 1 2 3 4 5 (Rs) (Rs) (Rs) (Rs) B.1 1245 1770 1507.50 45.23 B.2 1275 1935 1605.00 80.25 B.3 1320

2070 1695.00 84.75 B.4 1360 2230 1795.00 89.75 B.5 1400 2390 1895.00 94.75 B.6 1440 2535 1987.50 99.38 B.7 1480 2695 2087.50 100.00 B.8 1540 2860 2200.00 110.00 3%

B.9 1605 3060 2332.50 116.63 B.10 1660 3265 2462.50 123.13 B.11 1725 3465 2595.00 129.75 B.12 1830 3780 2805.00 140.25 B.13 1950 4110 3030.00 242.40 B.14 2065 4480 3272.50 261.80 B.15 2190 4845 3517.50 281.40 B.16 2535 5490 4012.50 321.00 B.17 3880 7360 5620.00 449.60 B.18 5085 8745 6915.00 553.20 B.19 7750 11600 9675.00 774.00

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STATEMENT SHOWING UNIFORM RATES OF SUBSCRIPTION TOWARDS GENERAL PROVIDENT FUND EFFECTIVE FROM

IST JUNE, 1994 VIDE O.M. NO. F.1(5)-REG.7/87-

(D.583/90) DY. 793/94, DATED 01-02-1995

(Rs)

Rate of Remarks

monthly

tion.

50 85 Minimum rates 85 of subscrip- 90 tion (on mean) 95 will be as 100 under:- 100 Pay Range Rates 110 (1)Upto Rs.1600

120 125 (2)Upto Rs.1601 - 5% 130 3000

145

250 (3)Above 3000 8%

265

285

325

450

560

780

19

B.20 9195 13595 11395.00 911.60 920 B.21 10190 15640 12915.00 1033.20 1040 B.22 10900 17000 13950.00 1116.00 1120

SI. No. 3

Rate of Profit on GP Fund deposits.- The rate of profit on deposits and on balance at the credit of the subscribers to the General Provident and similar other funds was fixed under this Division's Resolution No. F.1(2)-Reg.7/88-D.1175/96, dated 30.11.1996 at 16.76% per annum. It has now been decided that the rate of profit applicable to the subscriptions and the balances in the various Provident Funds during the financial year beginning on 01-7- 1997 shall be 17.51% per annum. The funds concerned are:-

(1) The General Provident Fund

(2) The Contributory Provident Fund (3) The I.C.S. Provident Fund, and (4) The l.C.S (NEM) Provident Fund.

2. Necessary instructions regarding the rate of profit applicable to the balances in the various Provident Funds under the control of the Ministry of Railways and the Ministry of Defence for the year in question will be issued separately by these Ministries.

[Authority:- Finance Division No.F.1(2)-Reg-7/88-D.21/98, dated 6-1-1998].

SI. No. 4 Procedure regarding sanctioning of the house _ building

advances from the Government or from G.P.F. Accounts to officers of All-Pakistan Unified Grades.- The question of issuing sanction for the grant of house building advance from Government or from G.P. Fund to members of All-Pakistan Unified Grades, employed in the Provinces, has been considered and the following instructions are

issued:-

(i)

(ii)

(ii)

Civil servants belonging to All-Pakistan Unified Grades (including Chief Secretaries) serving under the Provincial Governments/other Government Organizations should obtain prior approval of the Establishment Division for the construction/disposal of their houses or other property.

The advances for the construction of the houses whether from Government or from G.P. Fund accounts should be sanctioned by the competent authority as defined in the rules after the approval of the Establishment Division has been obtained.

The advances are to be sanctioned under Federal Government rules and not under the Provincial Government rules.

[Authority.-Estt. Division O.M. No. 8/41-Cl, dated the 18-3-1974].

SI. No. 5

Grant of Interest-free loans to Government servants who do not receive interest from Government on their Provident Fund Deposits.- Under the existing rules, interest is not credited by Government to the Provident Fund Account of a Muslim subscriber if

he does not wish to receive it. The question of the grant of interest- free loans to such subscribers had been under consideration of the Government for some time past. It has now been decided that no interest may be charged by Government on the house building and conveyance advances drawn by a Government servant whose deposits in the Provident Fund account carry no interest, subject to the following conditions:-

(i)

(ii)

(ii)

the Government servant has not received interest on his Provident Fund accumulations prior to the drawal of the advance from the Government;

the interest to be remitted under these orders shall not exceed the amount of interest foregone by the Government servant concerned on his Provident Fund Account upto the date on which the interest on Government loans would become due for payment;

if at any time in future the Government servant who has availed himself of this concession chooses to take interest on his Provident Fund deposits, he will be required to pay in full to the Government the amount of interest accrued on the advance drawn by him from the Government.

2. The above decision will also be applicable in the case of Government servants who have already drawn advances from the Government but the recovery of interest charges accrued thereon has not been made from them.

[Authority.- Finance Division O.M.No.F.6(1)-R-8/74, dated 18-10-1975].

22 SI. No. 6

Exemption from interest on House Building Advance, Motor Car Advance and Motor Cycle Advance.- Reference para 23 of Finance Division's O.M.No.F.1(1)-Ilmp/83, dated the 18th August, 1983, on the subject noted above it is clarified that the concession mentioned in para 23 of the said O.M. is admissible in cases where the House Building Advance, Motor Car Advance and Motor Cycle Advance have been sanctioned on or after 1-7-1983 and no interest is claimed on G.P. Fund balance by the Government servants concerned on or after this date. Advances granted prior to 1-7-1983 will continue to be governed by the instructions which were in force prior to that date.

[Authority.- Finance Division O.M. No.F.7(8)-R-7/83, dated 9-7-1984].

SI. No. 7

Reference Establishment Division O.M.No.F.7(8)-R.7/83, dated the 9th July, 1984, where in it was clarified that the concession mentioned in para 23 of Finance Division O.M.No.F.1(1)-lmp/83, dated the 18th August, 1983, is admissible in case where the House Building Advance, Motor Car Advance and Motor Cycle Advance have been sanctioned on or after 1-7-1983 and no interest is claimed on G.P. Fund balances by the Government servants concerned on or after this date.

2. The matter regarding advances granted prior to 1.7.1983 has been re-examined. Government servants who had made their G.P. Fund account interest free prior to 1.7.1983, were allowed remission of interest on House Building, Motor Car and Motor Cycle

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advances to the extent of interest foregone by them on their G.P. Fund accounts. It has now been decided that in cases of those employees who had made their G.P. Fund account interest free prior to 1.7.1983, no interest would be charged on the balance of the advance that stood outstanding against them on or after 1.7.1983. However, the balance outstanding on 30th June, 1983, would be governed by the orders in force at that time i.e. interest on advance would be remitted to the extent of the amount of interest foregone by such Government servants on their F.P. Fund account.

[Authority.- Finance Division O.M.No.7(8)-R.7/83(Vol.Il), dated 27-2-1986].

SI. No. 8

Admissibility of option for converting non-interest

bearing G.P. Fund Account or Vice Versa and remission/recovery of Interest on loan(s).- Under the existing orders as contained in Part-lll Para 23 of Finance Division O.M.No.F.1(1)-lmp-1/83, dated 18.8.1983, a Government servant can avail the facility of interest free loan(s) such as House Building, Motor Car/Motor Cycle advances from Government, if he does not claim interest on his G.P. Fund balance.

2. A question has arisen as to whether a Government servant after availing interest free loan(s) on the basis of non-interest bearing G.P. fund account can change his option to claim interest on G.P. Fund account and if so

to what extent the amount of interest on loan(s) is to be remitted/recovered.

3. The position has been reviewed in the light of Rule 14(5) of General Provident Fund (Civil Services) Rules, according to which a Muslim subscriber, at his own free will, can exercise option to have a non-interest bearing G.P. Fund account as well as can change his

option to have interest bearing G.P. Fund account at any later or subsequent stage.

4. The change of option from non-interest bearing to interest bearing G.P. Fund Account, however, involves the question of protection of interest on loan(s) drawn from Government. Keeping this purpose in view the following decision has been taken:-

"Except for interest free cycle advance and House Building advance admissible to Government servants B-15 and below, all '[ ] subscribers who opt not to claim interest on G.P. Fund account to avail interest free House Building, Motorcycle or Motor Car Advance from Government, if subsequently, change their option into interest bearing G.P. Fund account either during or after the currency of the recovery of principal amount, shall be charged the amount of interest on loan(s) equal to the difference between the amount of interest accrued on loan(s) and the amount of interest foregone on G.P. Fund account".

[b. The above decision is effective from 1.7.1999 and Finance Division's U.O.No.F.2(1)R.7/96-726 dated 7.10.1996 may be treated as amended to the above extent with effect from the same date /.e. 1.7.1999].

[Authority.- Finance Division O.M.No.F.2(1)R.7/96-1103/99, dated 29-9-1999].

“Omitted the word "Muslims" and subs vide Finance Division O.M.No.F.2(1)R-7/96-1327/99, dated 22-11-1999.

Procedure for operation of GP/ Pension Funds of the Employees of Public Sector Enterprises

SI. No. 9

The question regarding keeping of G.P. Fund/Pension contributions of Public Sector Enterprises/Autonomous Bodies/Corporations of the Federal Government whose services have been declared pensionable has been under consideration in the Finance Division for some time.

2. It has been decided in consultation with the Auditor General of Pakistan that all such accumulations may initially be deposited in PLS Account with the Nationalized Commercial Banks. The amounts available over and above the normal disbursement requirements may be invested in the Federal Investment Bonds/Defence Saving Certificates by opening Account with National Savings Centres. A quarterly report of these accounts and investment will be supplied to Finance Division through respective Ministries/Divisions.

3. It is requested that all Public Sector Enterprises may be directed to strictly adhere to these instructions.

[Authority.- Finance Division O.M.No.F.3(6)BR-II/93-552, dated 25-4-1994].

Deduction of Zakat at the time of final payment of G.P. Fund Accumulation to the subscribers

SI. No. 10

According to the provision contained in serial No.11 of First schedule to the Zakat and Ushr Ordinance, 1980, Zakat @ 2.5% of the balance standing to the credit of the subscriber as on the Valuation Date, is required to be deducted at the time of final settlement. But contrary to the above provision, it has been observed that the audit offices are deducting Zakat @ 2.5% on the balance at the time of final settlement instead of as on the Valuation Date. This practice is against the Law.

2. Mst. Kaisar Jahan a retired Associate Professor of English Government College for Women Baghbanpura, Lahore has complained/represented that she retired from Government service on 7-7-1993. The Zakat was required to be deducted on the balance as stood on 24-2-1993 i.e. Valuation Dates whereas the Zakat has been deducted on the balance as stood on 12/93 i.e. on the date of final payment.

3. It is, requested that the position may please be reexamined and over deducted amount of Zakat may be refunded to her. It may also please be ensured that the Law is implemented in its true sense and all the subordinate offices are instructed in this regard.

4. This issues with the approval of the Administrator General Zakat.

[Authority.- Central Zakat Administrators letter No.16-CE 806(3), dated 2-1-1994].

CHAPTER X

21

RETIREMENT AND RE-EMPLOYMENT

(983 - 984)

RETIREMENT & RE-EMPLOYMENT

Retirement from service (Statutory provisions)

SI. No. 1

Retirement from service.- A civil servant shall retire from service on the completion of the sixtieth year of his age.

SI. No. 2

Authorities competent to accept requests for retirement.- A reference is invited to the Establishment Division's Office Memorandum No. 1/2/67-CV, dated the 6th December, 1967 (Annexure) in which it was stated that it was not necessary to submit requests for retirement on completion of 25 years' qualifying service to the President for orders where the appointing authority was the President. This was so because Government had allowed all civil servants the right to apply for retirement and the intimation of intention to retire once submitted by a civil servant was final and could not be modified or withdrawn. This right of the civil servant is, however, subject to the provisions of the Essential Services (Maintenance) Act, and is not available to a civil servant against whom a departmental enquiry is pending. The question has, therefore, arisen as to which authority is competent to accept such requests for retirement. It has been decided that requests for retirement of officers of grade mentioned in column 1 below should be submitted to the Authority mentioned in column 2 for orders:-

Grade of officers Authority competent to accept request for retirement

(i) Grade 21 and above......... Prime Minister. The summary after approval by the Minister concerned would be submitted through the Establishment Division.

(ii) Grade 17 to 20 .... Secretary of the Ministry/Division which administratively controls the cadre or department to which the post belongs.

(iii) Grade 16... Head of Department (iv) Grade 1 to 15... Head of Department or Head of Office. _[Authority.- Estt. Division O.M.No.1/5/73-CV, dated 6-6-1974].

ANNEXURE |

Copy of Establishment Division O.M. No. 1/2/67-CV, dated 06.12.1967

SUBJECT:- Right to retire on a retiring pension after completing

25 years qualifying service-POLICY.

A point has been raised whether or not the approval of the President (where the President is the appointing authority) is required for the termination of services of a Class | Officer who opts for retirement in pursuance of paragraph (5) of the Ministry of Finance O.M. No. O.B. 2/12/63-IMP (lI), dated the 18th August, 1966.

2. The point has been examined in the Establishment Division and it has been decided in consultation with the Law Division that it is unnecessary to submit such cases to the President. Only such cases of officers of and above the level of Heads of major Departments and Joint Secretaries to the Federal Government may be submitted to the President for information.

Retirement on completion of 25 years service qualifying for pension (General Instructions)

SI. No. 3

Retiring Pension.- Subject to the provisions of the Essential Services (Maintenance) Act, all Government servants shall have the right to retire on a Retiring Pension after completing 25 years qualifying service, provided that a Government servant, who intends to retire before attaining the age of superannuation, shall, at least three months before the date on which he intends to retire, submit a written intimation to the authority which appointed him, indicating the date on which he intends to retire. Such an intimation, once submitted, shall be final and shall not be allowed to be modified or withdrawn. [The right given by this paragraph shall not however be available to Government servant against whom a departmental enquiry is pending].

[Authority.- Para 5 of the Finance Division O.M. No. O.B.2/12/63-IMP(I),

dated 18-8-1966]. SI. No. 4

A question has been raised whether a Government servant who intends to retire after completing 25 years service qualifying for pension, can submit a written intimation of his intention to retire even before completing 25 years qualifying service.

2. The matter has been examined, in consultation with the Law Division and the Finance Division, and it has been decided that the right to retire from service accrues to a Government servant only after he has completed 25 years' service qualifying for pension. As such, he can exercise the said option and submit a written intimation of his intention to retire only after the date of completion of his 25 years’ service qualifying for pension. Application for L.P.R., if due, shall also be submitted after that date.

3. If a Government servant desires to leave service before completion of his 25 years’ service qualifying for pension, he may do so by tendering resignation from service. In that case he will not be entitled to any pensionary benefits.

4. The above position may please be brought to the notice of all concerned.

[Authority.- Estt. Division O.M. No. 23/2/81-CV (A), dated 12-4-1981].

“Read with Finance Division O.M.No.OB. 2/12/63-Imp. (I), dated 14-12-1967.

SI. No. 5

Notifying retirement of an officer on attaining the age of superannuation.- It has come to notice of the Establishment Division that in some cases no notification was issued regarding retirement of the officer who retired from service on attaining the age of superannuation, i.e., the age of 60 years. The absence of a notification regarding their retirement led to delay in payment of their pension and other dues. The matter has, therefore, been considered by the Establishment Division and it is stated that while a notification may not be necessary in the case of officers who attain the age of superannuation for retiring them from service, it is necessary to notify the retirement of such officers to all concerned for the recovery of dues from the officers if any, and to facilitate payment of pension and other dues of the officer. The Ministries/Divisions are, therefore, requested to ensure that retirement of officers working under them are notified well in time even if the officer concerned does not take leave preparatory to retirement. In case the retiring officer is on deputation with the Ministry/Division or with any of their Attached Departments/ Subordinate offices and the orders regarding his retirement are to be issued by his parent Ministry/Department, that Ministry/ Department may please be informed of the date of retirement of the officer so that they may issue notification regarding his retirement.

[Authority.- Estt. Division O.M.No.8/22/75-C.1., dated 26-2-1976]. SI. No. 6

Withdrawal of applications for premature — retirement.-

According to "Note 1" below Article 465-B/CSR, a written intimation once submitted by a Government servant who intends to retire after completing 25 years service qualifying for pension, shall be final and shall not be allowed to be modified or withdrawn.

2. The matter has been examined, in consultation with the Law Division and the Finance Division and it has been decided that, in partial modification of the existing rules/orders, if a Government servant withdraws his application for premature retirement or modifies the date of retirement, before its acceptance by the competent authority, the application or the date of retirement shall be deemed to have been withdrawn or modified, as the case may be.

3. The above position may please be brought to the notice of all concerned.

[Authority.- Estt. Division O.M. No. 23/2/81-CV (B), dated 12-4-1981]. SI. No. 7

Recall to duty after Premature retirement.- Attention is invited to Establishment Division's O.M. No.23/2/81-CV(B) dated 12.4.1981 according to which option to withdraw or modify the request for premature retirement is available to a government servant only before the said request is accepted by the competent authority. Requests for premature retirement once accepted by the competent authority cannot, repeat cannot, be allowed to be withdrawn or modified. Recall to duty after acceptance of request for voluntary retirement amounts to re-employment for which approval of the Prime Minister is required.

2. Ministries/Divisions are requested to bring the above position to the notice of all concerned including their attached departments and subordinate offices, autonomous and _ semi- autonomous organizations, etc., to ensure strict compliance with the

above stated provision.

[Authority.- Estt. Division O.M. No. F. 14/10/95-R.2 dated 25-8-1996]. SI. No. 8

Form for the verification of 25 years qualifying service.- Government servants can be retired on completion of 25 years qualifying service. It is accordingly necessary to ensure that when the career of a Government servant is reviewed in accordance with the relevant instructions of the Establishment Division (vide O.M. No. 4/15/65-CV, dated the 13th August, 1966), he should have in point of fact, completed 25 years' qualifying service. It has now been decided in consultation with the Ministry of Finance that Part | of the enclosed proforma should be filled, in each case relating to a Gazetted Government servant, by the Ministry/Division/ Office concerned and thereafter the proforma should be sent to the Audit Officer concerned so that Part Il of the proforma is filled by the Audit Officer and transmitted back to the administrative authority concerned. This exercise should be undertaken well in advance of the date on which the Government servant would complete 25 years qualifying service, so that the formal certificate of the Audit Office is available to the competent authority in time, if it decides to retire the Government servant. However, the review of the career of a Government servant should be taken up at the appropriate time on the basis of the details of his service available with the Administration concerned, but the orders of the competent authority regarding the retirement of a Government servant should be passed only after the receipt of the formal certificate from the Audit Officer concerned as in Part II of the proforma (reproduced under Serial No. 9).

[Authority-.Estt. Division O.M. No. 2/4/72-CV. dated 18-9-1972].

SI. No. 9

With the issue of Ministry of Finance Notification No. F. 1(15)/Reg. 6/72, dated the 31st January, 1973, clause (i) of serial No. 8 (d) of the proforma appended to the Establishment Division's O. M. No. 2/4/72-CV dated the 18th September, 1972 has become redundant. It has, therefore, been decided in consultation with the Ministry of Finance that this clause may be deleted from the proforma prescribed for the verification of 25 years qualifying service of Government servants for the purposes of review of their careers and renumber the clauses of serial No. 8(d). A copy of the revised proforma is enclosed for reference (Annexure).

[Authority.- Estt. Division O.M. No. 1/8/73-CV, dated 25-3-1974].

ANNEXURE

FORM OF CALCULATION OF 25 YEARS QUALIFYING SERVICE OF A GAZETTED GOVERNMENT SERVANT

PART | (For use in the Ministry/Division/Department)

(To be completed by the Office/Department in which the Government servant is serving):

1. Name of Government servant. 2. Father's name.

3: Nationality.

4. Post held.

5. Date of birth.

6. Date of commencement of service. re Date of completion of 25 years qualifying service. 8. Details of calculation of 25 years qualifying service:-

(a) Length of service, including interruption, etc. (No. 7-8).

(b) Add:

(i) Military service, if any, which has been allowed to count as qualifying for pension. (ii) Any other addition to qualifying service. (c) Total length of service (a)+(b). (d) Deduct:- i) Extraordinary leave. il) Suspension not treated as duty or leave. iil) Periods of break in service. iv) Service rendered before break if break not condoned. v) — Service forfeited by resignation. vi) Unauthorized absence.

Total (i) to (vi) =

(e) Net qualifying service.

(c) - (d)

Head of Office/Department

PART Il

FOR USE IN THE ACCOUNTANT GENERAL'S OFFICE

Calculations contained in Part | have been checked. Length of

qualifying service accepted in Audit. OR

Reasons for difference, in any, between this and the length of service worked out by the Department.

Assistant Accountant General. Assistant Accounts Officer.

SI. No. 10

Indication of date of superannuation of Officers proposed for Appointment to Tenure Posts.- Cases have come to the notice in which some officers who were about to attain the age of superannuation within a few months time were recommended for appointment to tenure posts, and in the Summary for the Prime Minister, there was no indication that the tenure of the proposed appointment would last much beyond the age of superannuation of the recommendee. Submission of such proposals to the Prime Minister without indication of date of birth amounts to disguised recommendation for re-employment. The competent authority has viewed the aforesaid lapse with displeasure and has directed that all proposals entailing to appointment to tenure posts should, besides providing other relevant information, specifically mention the date of superannuation of the recommendee so that the competent authority may be able to exercise conscious discretion in regard to appointing a person to a tenure post involving his retention in public service beyond the date of his superannuation.

2. The Ministries/Divisions are accordingly requested to please note the above direction of the Prime Minister and also bring it to the notice of all concerned for strict compliance.

[Authority.- Estt. Division O.M. No.1/134/99-E.6, dated 3-9-1999]. SI. No. 11

Future good conduct of pensioners.- Attention is invited to clause (1) of Article 351 of the Civil Service Regulations which reads as follows :-

"Future good conduct is an implied condition of every grant of a pension. The Local Government and the Government of Pakistan reserve to themselves the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct."

2. It has been decided that the provision of the above Article should be strictly enforced in all cases by the pension sanctioning authorities. In cases where a pensioner commits misconduct prompt action should be taken to withhold or withdraw his pension or any part of it.

3. Misconduct in such cases would mean conduct prejudicial to good behaviour or unbecoming of a gentleman. The decision of the President on any question whether any act on the part of the pensioner is misconduct or not shall be final and binding.

[Authority.- Establishment Secretary's D.O. letter No.5/4/73-D, IV, dated 11-8-1973].

SI. No. 12 Taking part in politics by pensioners.- Attention is invited to clause (2) of Article 351 of the Civil Service Regulations which reads as follows :- "(2) Except with the previous sanction of the Central Government, no pensioner shall, within a period of two years from the date of his retirement, take part in any election or engage in political activity of any kind."

2. It would be noticed from the above that the pensioner can participate in political activity within two years of his retirement from service only with the previous sanction of the Federal Government. It has, however, been decided that as a matter of policy no permission should in future be granted to any pensioner to engage in political activity of any kind.

3. It may be clarified that political activity would include activities like affiliation with political parties, public speeches, writing articles, giving statements, attending political meetings, making monetary contribution for political purposes etc. This clarification may be brought to the notice of the Government servants and also to pensioners who have not yet completed two years from the date of their retirement.

[Authority.- Establishment Secretary's D.O.letter No. 5/3/73-D.IV, dated 31-7-1973].

SI. No. 13

Medical facilities to retired Government servants and their families.- The question of affording free medical treatment to retired Federal Government servants and their families has been under consideration of Government from some time. The President has been pleased to decide that retired Government servants and members of their families shall be allowed at Government expense out-door and in-door medical attendance and treatment in accordance with the Central Services (Medical Attendance) Rules, 1958, to the extent admissible to them while in service immediately before retirement subject to the following modifications:-

(i) |The term ‘family’ would include ‘[parents, husband, wife, legitimate children and step children, sisters and minor brothers residing with and wholly dependent upon him];

(it) | Out-door and in-door treatment will be admissible only in hospitals and dispensaries maintained by the Federal Government or by a Provincial Government in a place where there is no Federal Government hospital;

(iii) © Treatment will not be admissible at residence or in a hospital not maintained by the Federal Government or Provincial Government or by special arrangements at some other place; and

(iv) | Drugs and medicines may be supplied if available at the hospitals/dispensaries in which a_ patient receives treatment but cost of drugs and medicines purchased from the market will not be re-imburseable.

2. No charges will be recovered from retired Government servant or his family receiving treatment in a hospital maintained by the Federal Government except such charges as_ were

“Amended vide Ministry of Health Notification No. S.R.O. 842(1)/90, dated 11-8-1990.

recoverable from him under the rules while in active Government service. If treatment is received in a hospital maintained by Provincial Government, retired Government servants shall pay the required charges to the hospital authorities and claim reimbursement on the strength of a certificate signed by the Administrator/Superintendent of the hospital himself from the Accounts Officer/Treasury Officer concerned to the extent mentioned above. A copy of such claim will be supplied to the Health Division. The Accounts Officer/Treasury Officer shall deal with such claims like similar claims of serving Government servants.

3. This issues with the concurrence of the Ministry of Finance.

[Authority.- Health Division O.M. No.F.25-24/ 63-MF, dated 12-10-1963]. SI. No. 14

According to the present instructions which were issued by this Division under O.M.No.F.17-44/76-MF, dated 20th December, 1976 in terms of Section 3 of the Discontinuance of Medical Reimbursement Act, 1972 (No. XXV of 1972), Government servants may obtain medicines prescribed by the authorized medical attendant for them, or for member of their family, from a medical store administered by Government or from a chemist approved by the Government; the bill of the chemist is reimbursed to the chemist by the Government. This arrangement has not worked satisfactorily and cases came to the notice where supply of medicines even in emergencies was not made available to the Government servant or to his family. The position has accordingly been reviewed and it has been decided that if a medicine (which expression includes protective and curative vaccine/sera) prescribed by an authorized medical attendant is not available in Government store, in the Government hospital or dispensary, the Government servant may purchase it from a licensed chemist on proper cash receipt, the expenditure incurred on this account will be reimbursed to him on the authority of a certificate of the authorized medical attendant to the effect that the medicine was not available from Government stock and that it was necessary for the treatment/restoration of health of the Government servant or a member of his family, as the case may be.

2. The procedure to be followed for reimbursement of expenditure incurred in purchase of medicines by a Government servant will be the same as was in vogue prior to the promulgation of the Discontinuance of Medical Re-imbursement Act, 1972.

3. It has also been decided that each Ministry/

Division/Department/Office shall maintain a register containing ledger account of each Government servant, prescription by prescription, and another register containing a consolidated abstract of monthly expenditure showing the name of each Government servant and the total expenditure incurred during a month, on medical bills. These registers will be scrutinized for purposes of budgetary and expenditure control (at regular intervals) by one of the existing officers to be specifically assigned this task by each Ministry/Division/Department/Office for its own employees. It will be open to the administrative authorities to refer to the Director General (Health), for his technical scrutiny, cases where it is apprehended that excessive or unreasonable amounts have been claimed. If it is found that the privilege has been abused, the concerned Government servants shall lay themselves open to suitable action.

4. An amendment has been made in rule 3(2) of the Central Services (Medical Attendance) Rules, 1958, the revised version of which is as follows:-

"B (2) Where a Government Servant is entitled under sub-rule (1), free of charge, to receive medical attendance, any amount paid by him on account of such treatment shall, on production of a certificate in writing by authorized medical attendant in this behalf and subject to such instructions as may be issued by the Federal Government from time to time, be reimbursed to him by the Central Government."

5. These orders shall take effect as from the 23rd November, 1976 and shall supersede Health Division's Office Memorandum No. F. 17-44/76, dated the 20th December, 1976.

[Authority.- Health Division O.M. No.F. 17-44/76-MF, dated 15-2-1977].

SI. No. 15

In partial modification of Health Division Office Memorandum No. F.17-44/76-MF(l), dated the 15th February, 1977 it has been decided that Federal Government Servants/ Pensioners and their families will be supplied all drugs and medicines' from hospitals/dispensaries as will be prescribed by their authorized medical attendants. The reimbursement will be occasional and will be made by the Ministry of Health to any employee of any Ministry/Division who may have not been supplied medicines from Hospitals/Dispensaries on production of a certificate from the head of the institution concerned to that effect.

2. The hospital authorities have been issued instructions to ensure that the drugs/medicines prescribed by the authorised medical attendants of the Government servants/pensioners, are supplied to them. The Provincial Governments also have been asked to consider the Federal Government servants and their families who are admitted in their hospitals as entitled patients, to receive medical treatment free of charge.

3. These orders have taken effect from 1st July, 1978.

[Authority.- Health Division O.M.No.17-44/76-MF(l) dated 16-7-1978].

SI. No. 16

The Cabinet was briefed on the state of economy by the Finance Division and the following decisions were taken:-

il) the Cabinet decided that the facility for medical treatment abroad at public expenditure should be withdrawn. The decision should not apply to persons already under treatment abroad;

[Authority.- Cabinet Decision in Case No.1(X)/26/96, dated 6-11-1996]. SI. No. 17

In pursuance of Economic Coordination Committee of the Cabinet decision in case No. ECC-275/21/95 dated 18-12-1995 and the Federal Services Medical Attendance Rules, 1990, reference is made to Health Division's O.M. No.F.20-5/92-MF.| dated the 19th December, 1993 laying down procedure for reimbursement of medical charges to the retired Government servants or members of their families. It is stated that the Government, in partial supersession of the Health Division's aforesaid O.M. dated 19th December, 1993 has decided that the procedure laid down in para 2 below shall henceforth be followed for reimbursement of charges incurred on account of medical attendance and treatment of the retired Government servants and members of their families.

2. All claims/bills shall be prepared by the retired Government servants in the prescribed application/bill form at Appendix-l as revised, and:-

i) The bill shall be supported by the prescription chits indicating medicines not available in hospital/ medical store/dispensary duly signed by the authorised medical ii)

iv)

attendant.

the application/bill, duly completed and countersigned by the competent medical authorities specified in para 5 of Appendix-Il as revised, shall be submitted by the retired Government servant to the Head of the office from where he retired and which prepared his pension papers.

The Head of the office or the officer authorized by him, as in the case of corresponding Government servants receiving the bill, shall subject the bill to scrutiny in accordance with the guidelines laid down in Appendix-I| and to the same scrutiny and procedure, mutatis mutandis, as is observed in the case of medical bills of serving Government servant; of equivalent status and shall countersign it in full or, as the case may be, for the reduced amount if found admissible and transmit it to the Health Division after approval of the Secretary of the Ministry concerned. The Health Division shall scrutinize all the claims and authorize payment to the AGPR out of the budget provision, on the above account, placed at the disposal of the Health Division.

After scrutiny, the bill alongwith vouchers shall be sent to the AGPR for issue of Cheque to the retired Government servant or, as the case may be, member of the family drawing family pension and claiming reimbursement or payment through authority letter in Appendix-lll, as revised, issued to the branch of the National Bank of Pakistan or, as the case may be, the Treasury Office from where the retired Government servant is receiving his pension. The vouchers would be retained by the Accounts Officer.

3. AS a safeguard against any possibility of double or fraudulent claim, cent percent post-payment checks shall be carried out by the AGPR in the following form:

1 2 3 4 5 6 7 8 S.No. Month Name No. & No& Amount Date Certification to which of the date qty of claimed/ of by Audit

relates Chemist ofcash medicine paid payment memo

4. The expenditure on account of reimbursement of medical expenses to the retired Government servants shall be debitable to:-

Functional Head 00000 - General Administration

02000 - Fiscal Administration 02800 - Pensions

Objective Head

Minor - 66000 - Pensionary Benefits Detailed- 66600 - Reimbursement of medical charges to pensioners

5. The retired Government servant or member of his family as defined in Rule 2(a)(d) of the Federal Services Medical Attendance Rules, 1990 shall not be required to pay for the indoor treatment in the

Government hospital as in the case of serving Government servants. In the case of a private hospital, provided it is authorized by the competent authority, retired Government servant concerned shall submit bills of hospital charges paid by him for indoor treatment as in the case of serving government servants ie. to their head of department etc.

6. The Government hospitals in the case of retired Government servant shall follow, mutatis mutandis, the instructions laid down in respect of serving Government servants.

7. These instructions shall take effect from Ist July, 1996. All claims for reimbursement of medical charges on account of a medical attendance and treatment of retired Government servants or member of their families pending prior to the Ist of July, 1996 (since issuance of Federal Services Medical Attendance Rules, 1990) shall be disposed of in accordance with the procedure laid down in this Office Memorandum. The budget provision for financial year 1996-97 will also cover payment of such pending claims.

[Authority.- Health Division O.M. No.F.20-5/92-MF-I, dated 01-10-1996]. Appendix-l

Application/Bill for Reimbursement of Medical Charges in respect of retired Government servant and his dependents:

PARTA

1. Name of the retired Federal Government servant or member of his family in case of deceased Government servant

2. Designation and basic pay scale of the Government servant at the time of retirement

3. Name of the patient and relationship being member of family as defined in rule 2(1)(D) of the Government Servants (Medical Attendance and Treatment) Rules 1990

4. Diagnosis of the patient

5. Ministry/Division/Department/Office from where the

Government servant named at S.No.1 retired

6. Number and date oof pension payment — order 7. Accounts Office which issued pension payment order 8. District Accounts Office/Treasury/branch of the National Bank of Pakistan and the station from where the pension is being drawn Received from the Manager/Treasury Officer/District Accounts Officer (here give the name of the branch of the National

Bank of Pakistan, or as the case may be of the Treasury or the District Accounts Officer concerned) the sum _ of Rs. (Rupees only), on account of the reimbursement of charges on medical attendance and treatment of

(here give the name of the patient and in case the patient is a member of the family, his name, age and relationship with the Government servant) as detailed below:-

List of medicines with quantity/hospital bill/laboratory charges etc., for which reimbursement is claimed through this bill.

Name & date Name of the Name of drug/ Amount

of bill/ Chemist Shop/ medicine with Cash Memo Hospital/Clinic/ quantity/details Dispensary of tests etc.

Dated Signature Name (in block letters)

PART B

Certificate by Government servant (or member of his family in case of deceased Government servant).

Certified that:-

1. The claim was not drawn before.

2. The member of my family for whose _ treatment reimbursement has been claimed is wholly dependent on me.

3. The children for whom reimbursement has been claimed are minor and wholly dependent on me.

4. | shall have no objection to the recovery of any amount over paid, if any, from my pension or otherwise.

5. |! am a dependent family member of Mr.

a Government servant. 6. I/Mr. retired from the post of

from (name of office/department).

Full name of the Government servant

(in block letters)

Signature Full name of the Govt. Servant (in block letters)

PART C

CERTIFICATE BY THE AUTHORISED MEDICAL ATTENDANT

1. Certified that the medicines/drugs/hospitalisation/clinic test/examination, listed below, were essential for the recovery and restoration of health of Mr./Mrs./Miss name of the retired Government servant/members of the family of Mr.

as defined in Rule 2(1)(d) of the Government Servants (Medical Attendance Rules, 1990) (in the case of a member of the family, his name, age, and relationships also be stated).

2. It is further certified that neither the medicine/drugs etc. nor their effective substitutes could be supplied from _ the hospital/dispensary.

3. Also certified that all the above mentioned tonics/ vitamins have been prescribed as medicines and not as tonic or food.

4. Certified that the treatment received at unauthorized private hospital/clinic was due to emergency situation.

Signature Dated Designation Official Stamp

COUNTERSIGNATURE BY HOSPITAL AUTHORITIES SPECIFIED IN APPENDIX II

Signature Dated Designation Official Stamp

"To be given if the serving member of the family as defined in Rule 2(1)(D) of the Federal Government servants Medical Attendance Rules, 1990 is submitting the claim.

COUNTERSIGNATURE BY THE DEPARTMENTAL CONTROLLING AUTHORITY

Signature Dated Designation Official Stamp

Certificate from the office of the retired Government servant.

Functional Head

00000 - General Administration 02000 - Fiscal Administration 02800 - Pensions

Objective Head Minor - 66000 - Pensionary Benefits

Detailed- 66600 - Reimbursement of medical charges to pensioners

Signature

(Full Name)

Dated (Designation) (Official Stamp)

PART D

For use in the audit office which issued the pension payment order

Pensioners P.P.O. No.

Places

Appendix-ll

GUIDELINES FOR SCRUTINY OF CLAIMS:

Only prescribed application/bill (specimen Appendix 1) duly filled in and not any other form/proforma is used.

Duly attested copy or copies of proper prescription or prescriptions bearing OPD No., name, age, sex and disease of the patient and admission/discharge slip (in case of indoor treatment) are attached.

Names and quantity of the medicines purchased by the claimant are clearly indicated on application/ bill.

Application/bill must be signed by the Authorized Medical Attendant.

The following officers are authorised to countersign the application/bill.

Officers authorised to

(a)

countersign Application/Bill.

Islamabad (i) Medical Superintendent, F.G.S.H.

Islamabad (it) | Executive Director, P.I.M.S., Islamabad

(iii) © Joint Executive Director, Children Hospital (PIMS), Islamabad.

(b)

(c)

(d)

(e) (f)

(9)

(iv) Civil Surgeon (Federal Govt.), Islamabad.

Rawalpindi/ — (i) Civil Surgeon (Federal Govt.),

Peshawar/

Quetta (il) The Medical Superintendent, T.B. Centre, Rawalpindi.

Karachi (i) | Civil Surgeon (Federal Govt.)

(iit) | Director, Jinnah Postgraduate Medical Centre, Karachi.

(iii) Executive Director, National Institute of Cardiovascular Diseases, Karachi.

(iv) Director, National Institute of Child Health, Karachi.

Lahore (i) Civil Surgeon (Federal Govt.)

(ii) Chairman/Administrator, Shaikh Zayed Postgraduate Medical Institute, Lahore.

Quetta Civil Surgeon, Federal Government Quetta. Peshawar Civil Surgeon, Federal Government Peshawar.

Other places where Medical Superintendent/Officer there is no Federal Incharge or Head of the Provincial Govt. Hospital Government Hospital concerned.

6. In case the patient is referred to some other hospital by

10.

11.

12.

his authorized medical attendant, a copy of such reference letter/move sanction, as the case may be, is attached with the claim.

No receipt written on private pad/chit of the Doctor except on proper hospital printed form is to be accepted.

Cash memos must be on proper printed form with license number of the chemist alongwith official stamp of the Authorized Medical Attendant showing his name and designation.

In case of indoor treatment, diet charges are not to be reimbursed.

Cost of Unani eruvedic and Homoeopathic medicines will not be reimbursed.

The transportation charges except to the extent of entitlement of the patient would not be reimbursable.

In addition to above, if a patient has to get medical treatment from any unauthorized private hospital/ clinic in emergency he is required to produce emergency certificate from the treating doctor showing nature of disease and treatment given and get the claim (Appendix |) signed by the nearest authorized medical attendant and countersigned by the officers indicated in item 4 above. The office receiving the bill will pass the bill for the amount found reimbursable and transmit the bill to the Health Division for scrutiny and authorizing payment to the AGPR.

Appendix-lll

Registered AD/Special Sealed

From To Subject:- Reimbursement of Medical Charges to Retired Government Servant/Member of his families as defined in Rule 2(1)(d) of the Federal Services Medical Attendance Rules, 1990. In pursuance of Ministry of Health read with you are hereby authorised to make payment of Rs. only (in figures) Rupees

only (in words) to the following pensioner/member of his family as defined in Rule 2(1) of Federal Services Medical Attendance Rules, 1990 on proper identification. He has been drawing pension from your counter.

(a) Name (b) Father's Name/Husband Name (c) National Identity Card No. (d)

Post held by the Government servant concerned at the time of retirement and the office from which he retired.

(e) Number and date of pension payment order and the name of issuing office.

2. The expenditure is debitable to the head

3. Debit may be raised to this office quoting No and date of this authority letter.

Signature (Accounts Officer)

Official Stamp Seal Copy to:- 1. Ministry of Health 2. 3. (Govt. Servant) Complete postal address Signature

(Accounts Officer)

SI. No. 18

Travelling allowance on retirement.- 1. (a) A Government servant is allowed T.A.to the extent specified below, in respect of the journey from the place of his last posting to his home town, performed during leave preparatory to retirement on or after retirement :-

(i) | Actual fare by rail or steamer of the class to which he was entitled immediately, before his retirement for himself and for each member of his family. For journeys by road between places not connected by rail or steamer, mileage allowance will be allowed.

(it) | Cost of transportation of personal effects to the extent admissible to him immediately before retirement for journeys on transfer.

(6b) Advance payment for expenditure as at (a) above shall be

made and be treated as final payment.

(c) The home town shall be determined according to entries pertaining to the permanent address of the Government servant in his service record or according to the declaration made by him for purpose of leave travel concession.

(d) That term "retirement" shall mean retirement on attaining the age of superannuation, or on completing prescribed service limit, or voluntary retirement on completion of 25 years qualifying service, or on invalid pension, or compulsory retirement. (Para 17 of Finance Division's O.M. dated 20th December, 1972).

2. Government servants whose home towns are in Gilgit, Baltistan and Chitral and have, of necessity, to perform journey on retirement, by air, shall be allowed travelling allowance as under:-

(i) | For the portion of journey connected by rail; rail fare of the class of entitlement.

(it) | For the portion of journey connected by road; mileage allowance at prescribed rate.

(iii) | Air fare (economy class) for self and family from the Airport of Rawalpindi/Peshawar, as the case may be, upto the airport near the home town; and

(iv) |The cost of transportation of personal effects at paisa 0.148 per Kilometer Per Kilogram from the residence at the old station of posting to the residence at his home town irrespective of mode by which the personal effects are carried.

[Para 2, Finance Division O.M. No. F. 2(16)-R 9/77 dated 29-6-1977].

3. A civil servant who did not avail himself of the concession of retirement T.A. during leave preparatory to retirement, may do so within six months after the actual date of his retirement. If, however, a retired civil servant dies during this period without having availed himself of the concession, it may be allowed to the family on application to the Head of Department and should be availed of before the expiry of six months from the date of retirement of the deceased Government servant or within three months of the date of his death, whichever may be later.

4. In the case of a retired Government servant who is re- employed immediately after, or within six months from the date of his retirement, the time limit prescribed above shall commence from the date on which the period of re-employment concludes.

[Authority.- Finance Division O.M. No. F. 2(5)-R 9/76, dated 3-3-1976].

Note.- For subsequent orders regarding grant of T.A. to Government servants proceeding on retirement including payment of Transfer Grant, see Finance Division's Compilation of General Orders relating to Travelling Allowance. (1947--30th June, 1981).

“Revised vide Finance Division O.M.No.1(16)Reg.9/91, dated 3-10-1991. SI. No. 19

Reference Finance Division's O.M. No. F.2(1)-Rev.1I/72 dated the 20th December, 1972, on the above mentioned subject, as amended from time to time, it is stated that the President has been pleased to decide that the existing rates of Transfer Grant, Transportation of Motor Car/Motorcycle/Scooter by road and the Mileage Allowance shall be revised with immediate effect, as under:

(l) TRANSFER GRANT

Category of Employees Existing Rates Revised Rates

Employees One month's pay subject | No change in the existing rules having family. to a maximum of but the condition of maximum of

Rs.4000/- Rs.4000/- and Rs.2000/- has been removed. Employees not Half month's pay subject having family. to a maximum of Rs.2000/-

(I) TRANSPORTATION OF MOTOR CAR/MOTOR CYCLE OR SCOOTER BY ROAD.

Existin Revised Rates gRates per | per kilometer kilometer

Motor Car 60 Paisa Motor Cycle or 20 Paisa Scooter

(III) MILEAGE ALLOWANCE ee ee per Kilometer per Kilometer Personal car or by engaging a full taxi.

Motor Cycle or Scooter.

Bicycle, animal back or foot.

Public transport plying for hire on single seat asis:-

For Govt. Servants in BPS- 7 and abov e.

ii) For Govt.servants in BPS-6 and below.

(IV) TRAVEL BY AIR:

Government servants in BPS-17 and above and those in receipt of pay exceeding ‘[Rs. 5400/- P.M_] shall be allowed to travel by air.

2. [Transportation of Motor Car may be permitted by any means of transport but its transportation cost be restricted to the expenditure for EVK transport].

[Authority.- Finance Division O.M. No.F.1(16)-Reg.(9)/91, dated 21-8-1991].

Employment after retirement Policy and procedure

SI. No. 20

Re-employment after superannuation.- It has been noticed that Ministries/Divisions initiate proposals for re-employment of

“Subs vide Finance Division O.M. No. F.1(33)-Reg.9/94, dated 19-10-1994. “Added vide Finance Division O.M. No.F.1(16)-Reg.(9)/ 91, dated 26-9-1991.

Government servants after superannuation as a routine measure. It is emphasized that re-employment beyond superannuation should be an exception and not the rule. It may be recommended only in cases where Government considers that the experience gained by the retiring person is of vital importance and can be gainfully utilized, particularly in fields where suitably qualified and experienced persons are not available.

2. For achievement of the objective mentioned above, the present Government has framed a policy for re-employment of Government servants and cases for re-employment would, in future, be considered in

accordance with the following criteria:

(i) Non availability of suitably qualified or experienced officers to replace the retiring officer;

(iit) | the officer is a highly competent person with distinction in his profession/field;

(iii) | the re-employment does not cause a promotion block; and

(iv) retention of the retiring officer, for a specified period, is in the public interest.

This policy would also apply to government controlled corporations and other autonomous bodies.

3. Proposals for re-employment are required to be accompanied with the following documents/information:-

(a)

(b) (c)

(d)

The proposal duly signed by Secretary or Additional Secretary Incharge of the Ministry concerned is received in the Establishment Division 6 months before the officer is due to attain the age of superannuation and has the approval of the Minister Incharge;

the steps taken to train the substitute, if any;

ACRs with photograph, ICP chart and bio-data on prescribed proforma; and

certificate that the officer is medically fit.

4. Re-employment beyond the age of superannuation in all cases requires the approval of the Prime Minister.

5.

It is requested to instruct all concerned in Ministries/

Divisions and Attached Departments/autonomous bodies to strictly follow the guidelines given above.

[Authority.- Establishment Secretary's d.o. letter No.7/3/ 89-OMG-II dated 28-01-1989].

SI. No. 21

Re-employment of Civil Servants after compulsory retirement or termination of service.- A person, whose services have been terminated as a result of a disciplinary action against him, or

retrenched due to winding up of an organization (where he was serving) on grounds of its having been set up irregularly, will not be re-employed without obtaining the orders of the President.

2. Such cases for re-employment of persons, in all grades, both in Government service and Corporations etc., should be submitted by the Ministry concerned (together with its recommendations and bio-data of the proposed person), through the Establishment Division, to the President for orders. Such a proposal shall be made in the form of a "Summary", containing the approval of the Minister-in-charge, and signed by the Secretary or Additional Secretary Incharge.

3. Ministries/Divisions are requested to bring these instructions to the notice of all Attached Departments/Subordinate Offices/Corporations etc. under their administrative control, for information and necessary action.

[Authority.- Estt. Division O.M. No. 2/6/78-CV, dated 08-1-1979].

SI. No. 22

A question has arisen whether a Government Servant, whose L.P.R. has been refused, should be recommended for re-employment on the same post, after superannuation.

2. It has been decided that as a matter of policy, re- employment, beyond superannuation, may not be initiated as the period of refused L.P.R. gives ample time to find out replacement of the retiring officer. In exceptional cases, where re-employment beyond superannuation is inevitable, the reasons therefor may specifically be brought out in the "Summary for the President".

3. Ministries/Divisions may please bring these instructions to

the notice of the autonomous bodies/corporations etc.

[Authority.- Estt. Division O.M. No. 3/60/81, dated 17-11-1982].

SI. No. 23

It has time and again been stressed that the approval of the President would be necessary in all cases of re-employment after the age of superannuation in Government as well as in the autonomous bodies. In this connection attention is invited to Establishment Secretary's d.o. letter No. 8/I/72-CV, dated 29-5-1972 and Establishment Division O.M. No. 2/2/78-CV, dated 24-12-1978. According to these instructions the age of superannuation of all Government servants should be 60 years and this should apply equally to Government controlled corporations/ autonomous bodies etc. and if such organizations have prescribed age beyond 60 years they were required to amend their Recruitment/Service Rules and inform the Establishment Division of compliance. It was abundantly made clear that in case no communication was received it would be assumed that the age of Superannuation, as prescribed in their rules, is 60 years.

2. Contrary to the explicit instructions referred to above it has come to notice that corporations/autonomous bodies have been re- employing persons after the date of superannuation without obtaining prior approval of the President.

3. It is, therefore, reiterated that no person who has already attained the age of 60 years should be allowed to be in employment without obtaining prior approval of the President.

[Authority.- Estt. Division O.M. No. 2/48/84-ABC dated 23-1-1985].

SI. No. 24

The Prime Minister has taken serious notice of cases in which civil servants were allowed to continue in service beyond the date on which they attained the age of Superannuation or completed the specified period of their re-employment on contract simply on the grounds that proposals for their re-employment beyond the age of 60 or beyond the period of re-employment had been submitted or were being submitted. This practice is in violation of Government's clear instructions issued time and again. In this connection, attention is invited to circular (d.o. letter No. 4/1/84-R.| dated 20-6-1984).

2. The procedure for employment of civil servants after retirement should be strictly followed. It should particularly be ensured that all proposals for re-employment beyond the age of 60 or for extension of the period of current re-employment are made at least 6 months before the date of attaining the age of superannuation or the date of expiry of the current period of re-employment, as the case may be.

3. In case a proposal for re-employment has been submitted and no decision has been received by the date on which the civil servant concerned attains the age of 60 or completes the current period of reemployment, it is the responsibility of the head of office to ensure that the civil servant relinquishes the charge on such date.

[Authority.- Estt. Secretary's d.o. No. 4/1/84-R.1, dated 8-8-1985].

SI. No. 25

In continuation of the Establishment Division's Office Memorandum No.2/2/78-CV, dated the 24th December, 1978, it is re- emphasized that re-employment of Government servants beyond superannuation is allowed in exceptional cases to meet the shortage of experienced and competent persons where replacements from present cadres are not available. Proposals for re-employment, to be submitted by the Ministry concerned through the Establishment Division to the President, are to indicate reasons for non-availability of substitute, steps taken to train a substitute and that the re- employment/extension is not likely to block the promotion prospects of other officers. The instructions have been circulated in our Office Memorandum referred to above under which detailed information is required to be provided along with the proposal for re-employment.

2. It is requested that while submitting Summaries for re- employment/extension in re-employment, detailed information may also be furnished on the prescribed proforma attached as Annexure-l.

[Authority.- Estt. Division D.O. letter No. 5/10/83-E.4, dated 23-4-1983].

Annexure-!

BIO-DATA FORM (TO BE USED IN RE-EMPLOYMENT CASES)

(Name of the Officer) a. Grade b. Date of Birth & Age on (Years months days) c Date of joining & Length of Service (Years months days)

d. Date of Re-Employment(approved earlier)(Only in case of extension in Re-employment period). e. TotalACRs V.Good Good Average Below Average (Years to be shown against Average & Below Average ACRs)

(1) Any missing ACRs with reasons (2) Photo of the officer affixed in the CR dossier or not, if not affixed.

iF Adverse Remarks in the ACRs g. Service (Showing Appointment Held)

Promotion in Blockade (Indicate if Promotion blockade is created due to his _ re- employment).

SI. No. 26

Re-employment of government servants beyond superannuation is to be recommended in exceptional cases particularly to meet the shortage of experienced and competent persons where replacement from the existing cadres is not available.

2. The Prime Minister has been pleased to observe that no case for re-employment/extension in re-employment should be put up unless specifically asked for.

[Authority.- Estt. Division d.o. letter No.1/2/90-D.S. dated 07-3-1990].

SI. No. 27

It has been observed by the Establishment Division that officers appointed on contract or serving on re-employment and secondment in the Federal Government continue in their posts after the expiry of their tenure without specific orders of the competent authority.

2. All Ministries/Divisions are requested to please adhere to the instructions issued by the Establishment Division and not to allow any officer to continue in service beyond the age of superannuation or contractual appointment without the priorapproval of the competent authority.

[Authority.- Estt. Division O.M.No.4/1/84-R.|, dated 2-9-1990].

SI. No. 28

The Cabinet in its meeting held on 12-11-1990 has decided that no re-employment beyond the age of superannuation should be allowed except in very exceptional cases for which approval of the Prime Minister would need to be obtained.

2. This decision is also applicable to autonomous bodies/semi- autonomous bodies and may please be brought to their notice for strict compliance.

[Authority.- Estt. Division O.M. No.4/2/90-R.1 dated 5-12-1990]. SI. No. 29

The Ministries/Divisions are advised not to initiate cases of re- employment of civil servants beyond the age of superannuation unless that is considered unavoidable due to non-availability of his replacement and the importance and sensitivity of the job which must be clearly brought out while initiating any such proposal.

[Authority.- Estt. Division O.M.No.4/1/93-R.1 dated 27-8-1995]. SI. No. 30

As per existing policy of the Government, re-employment of retired civil servants beyond superannuation is not encouraged except in cases when a civil servant possesses such expertise that his services are irreplaceable.

2. The Prime Minister has been pleased to decide that requests for re-employment of ex-civil servants who have voluntarily retired from service shall be summarily rejected. Ministries/Divisions are advised not to initiate any such proposal in future.

[Authority.- Estt. Division O.M. No.4/1/96-R.1, dated 16-11-1996].

SI. No. 31

Guard against unauthorised overstayal after superannuation/on expiry of the period of contract re-employment.-lt

has been observed by the Establishment Division in certain cases that officers on Superannuation or on expiry of contract re-employment continue in office which is violation of the existing instructions issued on the subject from time to time. Attention is invited to this Division's D.O. letters No. 5/10/83-E-4, dated 23-4-1983 (SI.No.25), No.4/1/84-R.1, dated 20-11-1986 (Annexure to SI.No.27, Chapter-lll), O.M.No.4/1/84-R.1, dated 2-9-1990 (SI.No.27) and O.M. No.4/2/90- R.1, dated 5-12-1990 (SI.No. 28).

2. In view of the above, all the Ministries/Divisions are requested to ensure that the instructions already issued by the Establishment Division are complied with in letter and spirit and no officer is allowed to continue in office after superannuation/on expiry of the period of contract re-employment unless prior approval of the competent authority is obtained in advance. In case of unauthorized overstayal, the financial liability for such an irregularity shall rest upon the head of the department and the officer concerned himself.

3. If it is intended to get the retiring person re-employment on contract in public interest to get his contract extended, a proposal in the form of a summary for the Prime Minister should be submitted to this Division about six months in advance from the date of his retirement from service/expiry of the contract so that Establishment Division could have sufficient time to process it properly.

4. The proposal for re-employment on contract/extension in contract should invariably contain the following information:-

(a) A brief report on the performance of the officer during the period of his contract re-employment (only for the cases for extension in contract).

(b) Certificate that the proposed re-employment/ extension

in contract will not create promotion blockade for the departmental officers.

(c) Steps taken to train a substitute of the officer and a statement of circumstances in which no officer could be groomed to take up the assignment.

5. No request for grant of ex-post-facto approval to the contract re-employment/extension in contract, in any circumstances, will be entertained.

6. All the Ministries/Divisions are requested to strictly abide by the above guidelines. If a proposal, floated on the subject, either fails to give adequate information, as mentioned above or is not received in the Establishment Division in time, the same will be liable to be summarily rejected by the Establishment Division and will not be processed further.

7. All the Ministries/Divisions are requested to bring the above instructions to the notice of the Attached Departments/ organizations for strict compliance.

[Authority.- Estt. Division O.M. No.3/16/99-CP-6, dated 26-5-1999]. Ex-Government Servants (Employment with Foreign Governments)(Prohibition) Act,1966 (Act No. XII of 1966) SI. No. 32

An Act to prohibit ex-Government servants from seeking or taking up employment with a foreign Government or foreign Agency.

WHEREAS, in the interest of the security of Pakistan, it is

expedient to prohibit Ex-Government Servants from seeking or taking up employment with a foreign Government or foreign agency;

AND WHEREAS the national interest in relation to the security of Pakistan requires Central legislation in the matter under clause(2) of Article 131 of the Constitution;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966.

(2) It extends to the whole of Pakistan. (3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context, -

(a) "ex-Government servant" means any person who was, at any time, appointed or employed as an officer or servant of the Central Government or a Provincial Government and has ceased to be so appointed or employed;

(b) "foreign agency" means any office or establishment of the diplomatic or consular representative of a foreign Government by whatever name called and includes any information, public relations, trade or commercial agency, service, centre or foundation established or maintained by any such Government or by any person who is a national of a foreign country; and

(c) "foreign Government" means the Government of a

foreign country.

3. Prohibition of employment, etc.- (1) No ex-Government servant shall, except with the previous permission in writing of the Federal Government or a person ‘or authority authorized by it in this behalf] seek or take up employment as an officer or servant of a foreign government or a foreign agency.

(2) No ex-Government servant who is, at the commencement of this Act, in the service of a foreign government or a foreign agency shall, except with the permission in writing of the Central Government, continue in such service after the expiry of three months from such commencement.

"4. Penalty.- Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to fifty thousand rupees or with forfeiture of property, or with any two or more of the said punishments].

[Authority.- The Act Published in the Gazette of Pakistan Extraordinary Part-I, dated 7-7-1966].

SI. No. 33

3. Ex-Government servants employed by U.N. or its Agencies are not affected by the ex-Government servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (Act No.XII of 1966).

[Authority.- Para 3 of Ministry of Foreign Affairs Circular No. SS (A) EGS/66, dated 17-12- 1966].

Production of certificate of physical fitness by retired

Government servants on re- employment to Gazetted posts

SI. No. 34

Under S. R. 4-A (6), retired Government servants re- employed immediately after retirement are exempted from

“Section 3, as amended vide Ordinance No.XXIX of 1984 dated 27-6-1984.

“Subs vide Ordinance No.XI of 1982, dated 18-5-1982.

producing medical certificate of the health. It has, however, been noticed that the appointing authorities do not insist upon the production of a medical certificate even where there has been a break between the retirement and re-employment of the Government servants. The attention of the Ministries/Divisions is drawn to the provisions of the said rules and it is stated that the medical certificate of health should be obtained in all cases in which an interval occurs between Government servant's retirement and re-employment.

[Authority.- Estt. Division O.M. No. 5/5/49-Ests. (SE), dated 23-8-1949]. SI. No. 35

The orders contained in the Ministry of Finance Office Memorandum No. 20-F. 38(l) RI/(2)/54, dated the 17th August, 1954 (Annexure) also apply to the cases of re-employment to Gazetted posts when an interval occurs between the retirement and re-employment of a Government servant. A medical certificate of health is necessary in such cases under the orders contained in the Establishment Division Office Memorandum No. 5/5/49- Ests. (SE),dated the 23rd August, 1949.

[Authority.- Estt. Division O.M. No. 15/28/ 54-SEIl, dated 4-5-1955].

ANNEXURE

Copy of Finance Division O.M. No. 20-F. 38(I) RI/(2)/54, dated the 17th August, 1954.

The question has been raised whether candidates appointed direct to Gazetted posts under Central Government should be examined by a Medical Board or by a Civil Surgeon. Since those orders are not clear on some points the question has been reconsidered and it has been decided that -

(i)

(il)

all persons not already in service under the Federal Government should be required to undergo medical examination. The examination should be by a Medical Board if the post is permanent, or quasi-permanent or is likely to last for more than a year and by a Civil Surgeon if the post is likely to last for not more than a year. If an appointment initially made for a period not more than a year is subsequently extended beyond that period, the person concerned should be required to undergo medical examination by a Medical Board.

Persons already in temporary service under Federal Government whether in Gazetted or non-Gazetted posts will also be subject mutatis mutandis to the general rules in (i) above; provided that any person appointed to a post not likely to last for more than a year who has already been medically examined by an authority not lower than a Civil Surgeon in respect of a previous post need not undergo examination again until and unless the period of the post is extended beyond one year. If such a person has already been examined by a Medical Board in respect of his previous appointment and if standard of medical examination prescribed for the new post is the same, then he need

(ii)

not be required to undergo a fresh medical examination before confirmation.

A person who is" already, permanent = or quasi-permanent in a post under the Federal Government need not be medically examined on appointment to a Gazetted post; provided that if the new appointment is not in normal line of promotion of the person concerned and requires a different medical standard from that required in his permanent or quasi- permanent appointment or the rules for recruitment to the new appointment prescribe a fresh Medical examination in respect of all candidates, he shall undergo a fresh medical examination by the prescribed standard and by the prescribed medical authority.

2. These orders will not have retrospective effect and cases already decided need not be re-opened.

3. These orders do not apply to the medical examination of persons recruited through competitive examinations held by the Federal Public Service Commission, the rules for which make separate provision for the purpose.

Note:-

The above orders also apply to female candidates appointed to Gazetted posts vide Establishment Division letter No. 1/15/58-SEI, dated 27-5-1958, reproduced at Serial No. 5 of Part IV of the Ministry of Finance's Compilation of General Orders (2nd Edition).

Fixation of pay and allowances of re-employed Government servants

SI. No. 36

Principles for fixation of pay.- The question of formulating a uniform policy in regard to the fixation of pay of retired Government servants re-employed under the Government of Pakistan and in autonomous bodies had been under the consideration of the Ministry of Finance for some time past. The President has now been pleased to decide that in supersession of all previous orders on the above subject, the pay of retired Government servant on re-employment shall be fixed in accordance with the following principles :-

(i)

(ii)

Where the new post carries a fixed pay, he should be allowed the pay of that post less pension.

Where the new post carries a time-scale of pay:-

(a)

(b)

(c)

If the substantive pay last drawn by the officer before retirement was less than the minimum of the scale of the new post, he should be allowed the minimum of the scale less pension.

If the substantive pay last drawn was more than the minimum of the scale but less than the maximum of the scale of the new post, his pay should be fixed at the stage in the scale corresponding to the pay last drawn, or if there be no such stage, at the next lower stage in the scale. From the pay so fixed the amount of pension should be deducted.

Where the substantive pay last drawn was more than the maximum of the scale of the new post the pay should be fixed at the maximum less pension.

(iii) A re-employed Government servant should earn increments in all cases where pay has been fixed in a scale at a stage lower than the maximum.

(iv) In case a re-employed pensioner is promoted to a higher post, his pay should be fixed in such a manner as if he was a serving officer with the difference that from the pay so determined the pension would be deducted.

(v) In a case where officiating pay higher than the substantive pay was drawn for a continuous period of 3 years or more immediately before retirement, the officiating pay drawn before retirement may be treated as substantive pay for the purpose of these orders.

2. The above principles should be made applicable to employment in Autonomous Bodies and Public Limited Companies in which Government holds controlling shares.

3. These principles should be followed in case of appointments to statutory posts as those of Governors, Speakers, Ministers etc. A retired official appointed to any statutory post should draw the pay of the post less the amount of pension drawn by him.

4. The pay of the retired military personnel re-employed in civil posts may also be fixed in accordance with the above principles. In their case substantive pay shall also include the following elements; provided that they were drawn before retirement/release/leave/leave pending retirement for a continuous period of 3 years or more:-

(a) Command/Staff/Charge Pay. (b) Instructional pay. (c) Qualification pay.

(d) Disturbance Pay.

5. The word ‘pension’ wherever used in these orders means pension before commutation and/or surrender.

6. These orders will have effect from the date of issue of this Office Memorandum.

[Authority.- Finance Division O.M.No.F. 4(7)- Regs.7/72, dated 1-1-1973]. SI. No. 37

Grant of Allowances during re-employment/contractual appointment.- The queries have been received from different quarters about the payment of Orderly Allowance, Senior Post Allowance and Qualification Allowance (where admissible) during _ re- employment/contractual appointment. It is clarified that these allowances are not admissible during re-employment/contractual appointment because:-

(1) 100% Orderly Allowance is already included in pension, as Special Additional Pension.

(2) Similarly, Senior Post Allowance also forms part of pension. Move-over, this allowance is admissible to civil servants: whereas a contractual appointee is not a civil servant.

(3) Qualification ‘Pay also forms part of pension. This has been examined many times in the past. The view has been:

"QP is not admissible because, the philosophy at the time of its introduction was to encourage the

government officers in service to do the higher courses and was made a condition for future promotion. It was meant as an incentive for government's regular, permanent officers who are in service. More-over, the Qualification Pay is counted towards pension. As such, there can not be two benefits at the same time, as the officer was already drawing.”

2. If these allowances are again granted on re-employment, it will amount to duplication. This policy is being kept in mind while vetting the terms and conditions of contractual appointments and the payment of the above discussed allowances is not allowed to retired government servants.

[Authority.- Finance Division O.M. No. 5(4)R-3/96 dated 16-4-1996].

SI. No. 38

Fixation of pay of retired Government servants civil/military re-employed under the Government and in autonomous bodies.- The question of fixation of pay of retired government servants, civil and military, on re-employment in civil posts under Federal Government and in autonomous bodies has been reviewed by government and the President has been pleased to decide that re-employment and re- employment pay of retired government servants shall henceforth be regulated in accordance with the following principles:-

(I) Post on which re-employment shall be made (i) Re-employment of retired civil servants shall be made in grades equivalent to substantive grade or temporary grade if held for one year by the Government servant before retirement.

(ii) In the case of officers of Armed Forces,

re-employment shall be made on contract in accordance with the instructions contained in the Establishment Division O.M. No. 14/5/78-D. Ill, dated 10-2-1980 in the case of civil posts and in the light of orders issued in pursuance of the Establishment Division No.14/5/78-D.III, dated 11-2-1980 in the case of autonomous bodies. The equivalent grade in the civil post shall be determined according to the equivalence formula approved by the President, (SI.No.39).

“Amended vide Finance Division O.M. No.5(4)R.3/96, dated 16-4-1996.

(II) Pay on re-employment under clause (I) above.

(i)

(a)

(b)

When a= retired civil servant is re-employed under Federal Govern-ment after superannuation or after completion of 30 years pensionable service, his initial pay shall be fixed at the minimum of the pay scale of the post in which he is re- employed.

When a-= retired civil servant is re-employed under the Government owned/controlled autonomous/semi-autonomous bodies and _ corporations after superannuation or after comple-tion of 30 years pensionable service, the initial

pay of such a government servant shall be fixed at the minimum of the scale of pay of the post in which he is re-employed.

(c) A re-employed government servant would earn increments under normal rules.

(d) In addition to pay, as indicated in clause (a) and (b), full pension shall be admissible to the re-employed civil servant.

(iit) (a) When a retired military officer of the rank of Major/equivalent and above is re-employed under Federal Government or under an autonomous body in accordance with clause | (ii), his pay may be fixed at the minimum of the equivalent grade in which re-employment is made and, in addition, full service pension as admissible under the rules shall be paid. The pay scale of the post shall for this purpose be determined with reference to the equivalence formula mentioned in Clause | (ii).

(iii) | The pay of retired Government servants other than those covered by | & II shall be fixed in accordance with the Ministry of Finance O. M. No. F. 4(7) Reg. 7/72, dated 1-1-1973 (SI.No.36) referred to above, as amended from time to time.

2. Existing re-employed retired civil servants may opt to be

governed by the existing rules/orders or by the revised orders in this Office Memorandum. Where such a government servant opts to be governed by the revised orders, his initial pay should be re-fixed at the minimum of the scale of the post held by him with effect from the ist of the month in which option is given and pension may be allowed in addition as provided in part (Il) (i) above.

3. Existing retired officers of the Armed Forces of the rank of Major/equivalent and above who were re-employed in civil posts for a specified period may opt either to be governed by their existing terms and conditions or by the revised orders in this Office Memorandum. Where such re-employed officers opt to be governed by the revised orders, they will be brought on the revised terms and conditions with effect from 23rd December, 1979 on which date the President was pleased to approve the scheme published vide Establishment Division O.M. No.14/5/78-D. Ill, dated 10-2-1980. From that date, their re-employment would be converted into re-employment on contract on the terms and conditions laid down in the O.M. of 10-2-1980 for the remaining term of their re-employment or for a period of 3 years, whichever is less. Their pay will be refixed at the minimum of the scale of the post held by them w.e.f 23-12-1979, and if the pay so fixed plus pension is less than the pay received by them immediately before 23-12-1979, the difference shall be allowed as personal pay to be absorbed in future increase of pay.

4. The option will be submitted to the Audit Officer concerned under advice to the Ministries/Divisions, Departments or offices administratively concerned.

[Authority.- Finance Division O.M. No.F.4(4)-Reg.7/78 dated 20-3-1980].

SI. No. 39

The President has been pleased to approve the following

‘principle of equivalence’ between the rank held in the Defence Services with appointment in National Pay Scales.

Defence Service Rank

Major General Grade-21 or 22 at the

and equivalent discretion of the Government.

Brigadier and Grade-20.

equivalent.

Colonel and Grade-19

Lt.Colonel(with

18 to 20 years

commissioned service) and equivalent.

Major and Grade-18 equivalent.

Captain and Grade-17 equivalent and

Lt. 2/Lt. and

equivalent.

[Authority.- Estt. Division's Circular No. 16/4/79-AV, dated 8-8-1979].

SI. No. 40

Refixation of pay after introduction of Revised National Pay Scales.- Under the existing orders the pay of a retired Government servant who has been re-employed under the Federal Government or

in an autonomous body or Public Limited Company in which Government holds controlling shares and who has not attained the age of 60 years, is required to be fixed after taking into account the amount of gross pension, i.e. pension before commutation and/or surrender. Consequent upon the liberalisation of pension rules for civil servants vide Finance Division O.M. No. F. 6(l)-Rev. 1/75, dated 7-1-1977 (please see Manual of Pension Procedure) the amount of gross pension in the case of existing pensioners is also required to be enhanced with effect from 1-2-1977 in accordance with the provisions of paras 3 and 8 of the above mentioned O.M., with resultant adjustment in the pay.

2. 'It has been decided that consequent upon the introduction of Revised National Scales of Pay, the pay of retired Government servants re-employed since before 1-5-1977 who have been drawing, or may elect to draw, pay in, or with reference to the National Scales of Pay shall, with effect from 1st May, 1977, be fixed in the relevant revised National Scales of Pay in the manner indicated below:-

(i) In the case of a re-employed Government servant who has not attained the age of 60 years on 1-5-1977, the initial pay in the relevant Revised National Scale of Pay shall be fixed at the stage equal to, or if there is no such stage, at the stage next above, the amount arrived at by allowing an increase of 10% over the aggregate of the basic pay, which for this purpose shall be taken as inclusive of gross pension, i.e. pension before commutation and/or surrender, and the dearness allowances that would have been admissible thereon, but for these orders, on the Ist May, 1977. The pay so re-fixed shall then be reduced by the amount of gross pension and the amount of pension will continue to be drawn separately in addition to the pay so determined, subject to the condition that pay plus pension shall be

limited to the maximum of the Revised National Scale of pay or the last pre-retirement substantive pay inclusive of dearness allowances, whichever is more.

(ii) In the case of a re-employed Government servant who has already crossed the age of 60 years before 1-5-1977 and is thereby entitled to draw pension in addition to pay of the post vide this Division O.M. No.F.4(3)-R.7/76, dated 17-2-1976 (Annexure), the initial pay in the relevant Revised National Scale of Pay will be fixed as in (i) above on the basis of the pay he is entitled to draw in accordance with the above mentioned O.M., together with the dearness allowances subject to the pay so fixed not exceeding the maximum of the Revised National Scale of Pay. The amount of pension shall not figure in the calculation anywhere and shall in his case continue to be drawn separately in addition to the pay so fixed.

3. When the pay of an existing re-employed Government servant is fixed in the revised National Scale of Pay, the amount of Dearness Allowance, Special Dearness Allowance and Additional Dearness Allowance shall cease to be admissible with effect from 1st May, 1977.

4. In the case of a retired Government servant employed on or after 1-5-1977, the initial pay shall be fixed in the revised National Scale of Pay in accordance with the relevant orders for the time being in force, provided that the last pre-retirement pay in his case would be taken as inclusive of the amount of Dearness Allowance, Special Dearness Allowance and Additional Dearness Allowance, actually drawn or which would have been drawn, on the date of retirement.

"Subs vide Finance Division O.M. No.F.1(4) Imp./77, dated 30-7-1977.

5. For the purpose of grant of allowances, the pay or basic pay

on which the allowances are to be calculated would, in addition to actual pay drawn, also include the amount of gross pension which had been taken into account for the purpose of determination of pay during the period of re-employment.

[Authority.- Finance Division O.M. No. F. 1(4)-Imp.11/77, dated 14-5-1977]. ANNEXURE

Copy of Finance Division O.M. No. F. 4(3)-R. 7/76, dated the 17th February, 1976.

SUBJECT:- Fixation of pay, of retired civil servants re-employed

in the Government of Pakistan and in Autonomous

Bodies.

A reference is invited to the Finance Division's O. M. No. F. 4 (7)Reg. 7/72, dated the 1st January, 1973 (SI.No.36) read with O.M. No. F. 4(6)-Reg. 7/73, dated the 22nd August, 1974 and it is stated that according to the instructions issued therein the salary of a re-employed pensioner, as determined with reference to the scale of pay of the post to which he is appointed, is to be reduced by the amount of his gross pension. The position has been further reviewed and it has been decided that in partial modification of the instructions referred to above a retired civil servant who is re-employed after, or continues to be re-employed beyond, the age of 60 years, he may with effect from the date of his appointment or of attaining the age of 60 years, as the case may be, allowed to draw his pension in addition to the pay of the post.

2. The above decision will be applicable to retired Government servants appointed to posts, other than statutory posts, under Government or in Autonomous Bodies and Public Limited Companies in which Government hold controlling shares.

3. The pay of the existing re-employed pensioners of the above categories shall be re-fixed in accordance with these orders with effect from the date of issue of this Office Memorandum.

SI. No. 41

Reference sub-clauses (i) (b) and (ii) (a) of clause II of para 1 of this Division's O.M. No. F. 4(4) Reg. 7/78, dated 20th March, 1980 (SI. No. 38) laying down the method of fixation of pay of retired civil and military officers on appointment to posts in Government owned/controlled autonomous and semi- autonomous bodies. The position has been further reviewed with particular reference to re- employment against a post in an autonomous/semi-autonomous body or corporation included in Management Grades vide Finance Division O. M. No. F. 6(27) Imp. 1/79, dated 30th April, 1980, and appointment to which is, by law, required to be made and the salary of which is required to be fixed, by the Federal Government. It is clarified that in the case of such re-employment, the re-employed officer, civil or military, shall be entitled to draw minimum of the rank/grade from which he has retired. In addition, he will be entitled to pension and pre-requisites attached to the management post concerned.

[Authority.- Finance Division O.M.No.F.4(4)-Reg.7/78-1520, dated 30-11-1980].

Leave salary admissible during re-employment

SI. No. 42

The Government servants who proceed on leave preparatory to retirement on voluntary premature retirement on proportionate pension on completing 25 years of qualifying service and re-employed during LPR under the Central or a Provincial Government or in an autonomous or semi-autonomous corporation or body set up by or under the control of the Central or Provincial Government or in a local body or Local Fund, will be entitled to leave salary, which shall be restricted to the amount of anticipated pension in accordance with Government decision below F.R. 69.

[Authority.- Finance Division O.M. No. F.2(69)-R.I/79, dated 22-7-1979, read with O.M. No. F. 2(59)-R.1/79, dated 5-7-1980].

CHAPTER - XI

BENEVOLENT FUND AND GROUP INSURANCE

(1039 - 1040)

BENEVOLENT FUND AND GROUP INSURANCE

“[Federal] Employees Benevolent Fund and Group Insurance Act, 1969 (Act No. II of 1969)

Sl. No. 1

An Act to establish a benevolent fund for the common benefit of the employees of the "[Federal] Government and certain autonomous bodies and to provide for their group insurance.

WHEREAS it is expedient to establish a benevolent fund for the common benefit of the employees of the "[Federal] Government and certain autonomous bodies and to provide for their group insurance;

It is hereby enacted as follows:- CHAPTER I PRELIMINARY

1. Short title, extent and commencement.- (1) This act may be called the "[Federal] Employees Benevolent Fund and Group Insurance Act, 1969.

(2) It extends to the whole of Pakistan and applies to every employee wherever he may be.

(3) It shall come in to force on such date as the '[Federal] Government may, by notification in the official Gazette, appoint; and different dates may be appointed in respect of different provisions of this Act for different classes or categories of employees.

"Subs vide Act No. XXV of 1975 *"Note.- The Act shall come in to force w.e.f. 3-4-1969 in respect of all employees as defined in it

except employees in the Civil Armed Forces.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

(1) "Article": means an Article of the Constitution;

(2) "Benevolent Fund" means the "Federal Employees Benevolent Fund established under section 11;

(3) "Board" means the Board of Trustees set up under section 4; "(4) "Employee" means -

(a) any person who is a member of an All-Pakistan Service or of a civil service of the Federation, or who holds a civil post in connection with the affairs of the Federation;

(b) any person appointed to the secretarial staff of the National Assembly or of the Senate whose terms and conditions of service are governed by Rules or Law made under Article 87;

(c) any officer or servant of the Supreme Court whose terms and conditions of employment are governed by rules made under Article 208;

(d) any officer or servant employed in connection with the functions of the Chief Election Commissioner or

an Election Commission whose terms and conditions of employment are governed by rules or law made under Article 221;

"Subs vide Act No. XXV of 1975

1)

ii)

iii)

iv)

(e) any officer or servant of such body corporate, institution, organization or autonomous body, as the Federal Government may, by notification in the official Gazette, specify; and includes any such person, officer, servant or member of the staff who is-

on deputation elsewhere or on foreign service within the meanings of the Fundamental Rules, undergoing study or training in or outside Pakistan, on leave, or

under orders of suspension, but does not include any person who:-

(a) is an employee of the Railways; or (b) has attained the age of sixty years; or

(c) is an officer or servant of a provincial government on deputation to the Federal Government;

(5) "family" means -

(a) in the case of a male employee, the wife or wives, and in the case of a female employee the husband of the employee; and

“(b) the legitimate children, parents, minor brothers, unmarried, divorced or widowed sisters of the employee wholly dependent upon him.

“Subs vide Act No. I of 1989

(6) Insurance Fund means the Federal Employees Insurance Fund established under section 17;

“[(7) "Pay" includes emoluments which reckon for pension and the pay an employee would have drawn but for his deputation, suspension or leave; |

(8) "Prescribed" means prescribed by rules;

(9) "Rules" mean rules made under this Act.

3. This Act and rules to override other laws, but not to affect retirement benefits etc.- The provisions of this Act and the rules shall have effect notwithstanding anything contained in any other law, rule, order, notification, contract or other document or instrument; but nothing herein contained shall affect the right to receive any pension, provident fund, gratuity or other benefits accruing to the employee on his retirement or invalidation or to his family upon his death otherwise than under this

Act.

CHAPTER II BOARD OF TRUSTEES 4. Board of Trustees.- (1) There shall be set up a board to be known as the Board of Trustees of the “Federal Employees Benevolent and

Insurance Funds which shall consist of the following namely:-

(a) Secretary to the “Federal Government in the Establishment Division, who shall be the Chairman of the Board;

“Subs vide Act No. I of 1989 “Subs vide Act No. XXV of 1975.

(b) an officer not below the rank of Joint Secretary concerned with the welfare of the employees of the “Federal Government appointed by the “[Federal Government] by notification in the official Gazette, to be a member of the Board;

(c) five persons from amongst the employees whom _ the “[Federal Government] may, by notification in the official Gazette, appoint to be the members of the Board:

Provided that at least one such member shall be from amongst the officers of the Ministry of Finance and one from amongst the officers of the “Labour and Local Bodies Division.

“{(d) The Managing Director of the Board who shall be the ex- officio member of the Board;]

(2) The members appointed by the “[Federal Government] shall hold office during “[its] pleasure.

5. Board to be body corporate.- The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of the Act, to acquire, hold and dispose of property both movable and immovable and shall by the aforesaid name sue or be sued.

6. Head Office.- The head office of the board shall be at Islamabad or at such other place as the "Federal Government may, by notification in the official Gazette, appoint.

7. Powers of the Board.- The Board shall have powers:- (a) to settle claims for benevolent grants and sums

assured under this Act and all matters connected with such claims;

"Subs vide Act No. XXV of 1975. "Subs and added vide Act No.I of 1989 (b) to sanction grant from the Benevolent Fund to the employees or their families in accordance with the provisions of this Act and the rules;

(c) to do or cause to be done all acts and things necessary for the proper administration and management of the moneys or properties in the Benevolent Fund & the Insurance Fund;

(d)

(e)

(f)

(g)

(h)

"Subs vide Act No. XXV of 1975. "Omitted vide Act No. I of 1989

Gi)

to sanction expenditure connected with the administration and management of the Benevolent Fund and the Insurance Fund;

to make arrangement for the insurance of the life of the employees to give effect to the provisions of this Act;

to invest moneys held in the Benevolent Fund in Government securities and units of Investment Corporation of Pakistan or National Investment Trust, in the construction of buildings for purposes of raising rent income, and in other profitable ventures the plans whereof having been previously approved by the 'Federal Government;

to set up regional boards and invest them with the administrative and financial powers to deal with such matters as may be assigned to them by the Board;

to appoint or employee such persons "[|] as it considers necessary for the efficient performance of its operations on such terms and conditions as it may, subject to rules, determine;

to do or cause to be done all things ancillary or incidental to any of the aforesaid powers or to the purposes of the Benevolent Fund and the Insurance

Fund.

8. Meetings of the Board.- (1) The meetings of the board shall be held at such times and places as may be prescribed, but the Chairman may convene the meetings of the Board at any other time and place.

(2) To constitute a quorum at a meeting of the Board, the number of members present shall be three.

(3) Each member of the Board shall have one vote and in the event of equality of votes the Chairman shall have a second and casting vote.

(4) The meetings of the board shall be presided over by the Chairman and in the absence of the Chairman by the person elected for the purpose by the members present from amongst themselves.

(5) All orders and decisions of the Board shall be authenticated by the signature of the Chairman or of such other member as may have been authorized by the Board by a resolution.

‘[9. Managing Director of the Board.- (1) The Federal Government may appoint a Managing Director of the Board on such terms and conditions as it may determine.

(2) The Managing Director of the Board shall be the ex-officio Secretary of the Board.]

“Subs vide Act No. I of 1989.

10. Delegation of powers.- The Board may, for facilitating the discharge of its functions and ensuring efficient operation of the Benevolent Fund and the Insurance Fund, by a resolution published in the official Gazette, delegate to the Secretary, or to the managing director, if any, or any other officer of the Board, subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem necessary.

CHAPTER III BENEVOLENT FUND

11. “Federal Employees Benevolent Fund.- (1) There shall be established a Fund to be called the “Federal Employees Benevolent Fund.

(2) To the credit of the Benevolent Fund shall be placed -

(a) all sums paid by the employees as subscriptions to the Benevolent Fund;

(b) all grants made by the ‘Federal Government, autonomous bodies, organizations, institutions or other authorities;

(c) donation made by private individuals or institutions; (d) all income, profits or interest accruing from the assets belonging to the Benevolent Fund or from

investments made out of the moneys of the Fund;

(e) loans raised by the Board with the previous approval of the “Federal Government.

“Subs vide Act No. XXV of 1975.

(3) The moneys credited to the Benevolent Fund shall be kept in such bank as may be prescribed.

12. Subscriptions to be paid by the employees.- (1) “[Every employee in service - (a) before the fourth day of September, 1988, shall be liable to pay to the Benevolent Fund a monthly subscription at the rates specified in column (2) of the First Schedule; and

(b) on or after fourth day of September, 1988, shall be liable to pay to the Benevolent Fund a monthly subscription at the rates specified in column (3) of the Second Schedule;

and, as far as possible, the amount of such subscription shall be deducted at source from the pay of such employee and credited or remitted to the benevolent Fund].

(2) Where the amount of subscription cannot for any reason be deducted from the pay of the employee, the employee shall remit to such officer as may be prescribed for the purpose the sum of subscription payable by him and any amount of subscription remaining unpaid due to inadvertence or negligence of the employee or otherwise shall be recoverable from him in such manner as may be prescribed.

(3) Default in the payment of the subscription either for the reason that the pay of the employees was not drawn or due to his inadvertence, negligence or fault or any other reasons whatsoever shall not affect his right or the right of his family to receive the benevolent grant provided for in

section 13, but the amount of unpaid subscriptions may be deducted from the benevolent grant.

‘Subs vide Act XIII of 1996 Schedule 2 (to be effective from 4-9-1988)

*[13. Benevolent grants to be paid from the Benevolent Fund:- 1. Where, prior to the fourth day of September, 1988, an employee-

(a) was declared by the prescribed medical authority to have been completely incapacitated physically or mentally to discharge the duties of his employment and for that reason was retired or removed from service; or

(b) had died during the continuance of his employment or dies after retirement before attaining the age of sixty-five years.

he or, in the event of his death, his family shall be entitled to receive benevolent grant from the Benevolent Fund according to the rates specified in column (3) of the First Schedule, for a period of fifteen years or upto the date on which the employee attains or might have attained if he were alive, the age of sixty-five years, whichever is earlier:

Provided that in the case of an employee who dies after having drawn benevolent grant under this sub-section, the said period of fifteen years shall be reckoned from the date from which he became eligible to the grant.

(2) Where, on or after the fourth day of September, 1988, an employee is declared by the prescribed medical authority to have been completely incapacitated physically or mentally to discharge the duties of his employment and for that reason is retired or removed from service, he shall be entitled to receive for life such benevolent grant from the Benevolent Fund as specified in column (4) of the Second Schedule; or where the employee dies during the continuance of his employment, or during retirement before attaining the age of seventy years, his spouse shall be entitled to receive for life such benevolent grant from the Benevolent Fund as specified in column (4) of the Second Schedule:

‘Subs vide Act XIII of 1996 Schedule 3&3A (applicable w.e.f. 4-9-1988.

Provided that; if the deceased employee has no spouse or the spouse dies, other members of his family shall be entitled to receive benevolent grant from Benevolent Fund as prescribed for a period of fifteen years or upto the date the deceased employee would have attained the age of seventy years, whichever is earlier:

Provided further that the said period of fifteen years shall be reckoned from the date from which the deceased employee or as the case may be, the spouse became eligible for such grant].

14. Payment of benevolent grant.- (1) On the death of an employee, the amount of benevolent grant payable under section 13, shall be paid to such member or members of his family as he might have nominated in accordance with the rules in full or in the shares specified by him at the time of making of nomination.

(2) Where no valid nomination made by the employee subsists at the time of his death, the amount of benevolent grant shall be paid to such

member or members of his family, subject to such conditions imposed with a view to ensuring that the amount is justly and equitably utilized for the maintenance and benefit of all the members of family as may be prescribed or may, consistently with the rules, be determined by the Board or an officer authorized by the board in that behalf.

*[14A. Utilitization of Benevolent Fund in other beneficial Schemes.- The Board may, where it considers expedient and keeping in view the availability of funds after discharging its liability under this Act, make schemes for disbursement of any amount for the benefit of employees, including retired employees and their families].

“Added vide Act XIII of 1996 (w.e.f. 4-9-1988).

CHAPTER IV

GROUP INSURANCE

15. Insurance of employees.- Subject to the provisions of this Act and the rules, in the event of the death of an employee, occurring by whatsoever cause, during the continuance of his employment, the Board shall pay to the family of the deceased employee a sum '[as may be prescribed].

16. Arrangements with Insurance Company etc.- The Board may from time to time arrange for the insurance of the life of the employees in sums "[as may be prescribed] with such insurance company or other insurer and for such period as it deems fit, and where any such arrangement subsists, the liability to pay the said specified sums shall directly devolve upon the insurance company or other insurer.

17. Federal Employees Insurance Fund.- (1) There shall be established a fund to be called the Federal Employees Insurance Fund which shall vest in and be held and administered by the Board.

(2) All sums received from the employees as premia for the group insurance of the employees and any interest or profit accruing thereon shall be credited to the Insurance Fund.

(3) The moneys credited to the Insurance Fund shall be kept in such bank as may be prescribed.

(4) All "[payments made under section 15, the] expenses on any arrangement entered into by the '[Board] with any insurance company or other insurer as provided for in section 16 and all expenses on the administration of the Insurance Fund shall be defrayed from the Insurance

Fund.

"Added & Subs. vide Act No. I of 1989.

(5) Any sums remaining in the Insurance Fund after refrying the expenses referred to in sub-section (4) may be utilized for such purposes connected with the benefit of the employees, "including retired employees and their families as the Board may direct.

18. Payment of premia.- (1) Every employee shall be liable to pay to the Insurance Fund such sum of money as may be prescribed as premium for the insurance, of his life as provided for in this Chapter and the amount of such premium shall as far as possible be deducted at the source from his pay and credited or remitted to the Insurance Fund.

(2) Where the amount of premium cannot for any reason be deducted from the pay of the employee, the employee shall remit to the prescribed officer the sum of premium payable by him, and any premia remaining unpaid due to inadvertence or negligence of the employee or otherwise shall be recoverable from him in such manner as may be prescribed.

(3) Default in the payment of premia either for the reason that the pay of the employee was not drawn or due to his negligence or fault or for any other reason whatsoever shall not affect the right of his family to receive the sum assured in the event of the death of the employee, but the premium remaining unpaid at the time of his death may be recovered from the assured amount.

19. Payment of the sum assured.- (1) On the death of an employee, the sum assured shall be paid to such member or members of his family as he might have nominated in accordance with the rules in full or in the shares specified by him at the time of making the nomination.

(2) Where no valid nomination made by the employee subsists at the time of his death, the sum assured shall be paid to such member or members of his family subject to such conditions

"Subs vide Act No.XXV of 1975

imposed with a view to ensuring that the sum is justly and equitably, utilized for the maintenance and benefit of all the members of the family as may be prescribed or may consistently with the rules, be determined by the Board or any officer authorized by the Board in that behalf.

CHAPTER V GENERAL

20. Audit and accounts.- (1) The accounts of the Benevolent Fund and of the Insurance Fund shall be maintained in such manner and form as the "Auditor General of Pakistan may, from time to time, direct, by such officer or authority as the Board may appoint.

(2) The accounts of the Benevolent Fund and the Insurance Fund shall be audited by such authority or agency as the Federal Government may, after consulting the "Auditor General of Pakistan, appoint.

21. Protection of action taken in good faith.- No suit, prosecution or other proceedings shall lie against the "Federal Government, the Board or any officer or other authorized person for anything in good faith done or purporting to have been done in pursuance of this Act or the rules.

22. Exemption from taxes.- The 'Federal Government may by order in writing,

(a) exempt the Benevolent Fund and the Insurance Fund from any tax, rate or duty leviable by such Government or by a local authority under the control of such Government;

"Subs vide Act No. XXV of 1975.

(b) exclude the amount of premium or subscription paid by an employee from his assessable income under the Income Tax Act, 1922 (XI of 1922).

23. Power to make rules.- The 'Federal Government may make rules for the purpose of giving effect to all or any of the provisions of this Act.

[Authority.- National Assembly of Pakistan Notification No 6/1/69,0&M(RP)AL, dated 3-2-1969].

"[THE FIRST SCHEDULE [see sections 12(1) and 13] BENEVOLENT FUND

The rates of subscription to the Benevolent Fund and the amount of monthly benevolent grant payable under section 13 out of such Fund before the 4th September, 1988.

Pay Range Rate of monthly Rate of monthly subscription Benevolent grant

1

In the case of an

employee whose pay

last drawn was: Between

(Rs) 250 and 300 301 and 400 401 and 500 501 and 600 601 and 700 701 and 800

One per cent of pay subject to maximum of

Rs.26/-

(Rs) 150 175 200 225 250 275

"Subs vide Act No. XXV of 1975.

"The 1st and 2nd schedules added vide Federal Employees Benevolent Fund and

Group Insurance (Amendment) Act No. XIII of 1996.

1

801 and 900 901 and 1000 1001 and 1100 1101 and 1200 1201 and 1300 1301 and 1400 1401 and 1500 1501 and 1600 1601 and 1700 1701 and 1800 1801 and 1900 1901 and 2000 2001 and 2100 2101 and 2200 2201 and 2300 2301 and 2400 2401 and 2500 2501 and 2600 2601 and above

THE SECOND SCHEDULE

[see sections 12(1) and 13]

BENEVOLENT FUND

The rates of subscription to the Benevolent Fund and the amount of monthly benevolent grant payable under section 13 out of such fund applicable on and after the 4th September, 1988.

S: Monthly Pay Rate of monthly Rate of monthly No. subscription Benevolent grant fh 2 3 4 (Rs) (Rs) (Rs) 1 501 to 600 11 270 2. 601 to 700 13 300 oy 701 to 800 15 330 4 801 to 900 17 360 1 2 3 4 (Rs) (Rs) (Rs) ay 901 to 1000 19 390 6. 1001 to 1100 21 420 7 1101 to 1200 23 450 8. 1201 to 1300 25 480 9; 1301 to 1400 27 510 10. 1401 to 1500 29 540 ie 1501 to 1600 31 570 12. 1601 to 1700 33 600 ge 1701 to 1800 35 630 14. 1801 to 1900 or 660 15. 1901 to 2000 39 690

16. 2001 to 2100 41 720

17. 2101 to 2200 43 750

18. 2201 to 2300 45 780

19. 2301 to 2400 47 810

20. 2401 to 2500 49 840

21. 2501 to 2600 51 870

22. 2601 to 2700 53 900

23. 2701 to 2800 55 930

24. 2801 to 2900 57 960

25. 2901 to 3000 59 990

26. 3001 to 3100 61 1020 27. 3101 to 3200 63 1050 28. 3201 to 3300 65 1080 29. 3301 to 3400 67 1110 30. 3401 to 3500 69 1140 31. 3501 to 3600 71 1170 32. 3601 to 3700 73 1200 33. 3701 to 3800 75 1230 34. 3801 to 3900 77 1260 35. 3901 to 4000 79 1290 36. 4001 to 4100 81 1320 37. 4101 to 4200 83 1350 38. 4201 to 4300 85 1380 39. 4301 to 4400 87 1410 40. 4401 to 4500 89 1440 41. 4501 to 4600 91 1470 42. 4601 to 4700 93 1500 43. 4701 to 4800 95 1530 44. 4801 to 4900 97 1560 45. 4901 to 5000 99 1590 46. 5001 and above 100 1620]

“[Federal] Employees Benevolent Fund and Group Insurance Rules, 1972 SI. No. 2 In exercise of the powers conferred by section 23 of the “[Federal]

Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969), the “[Federal] Government is pleased to make the following rules, namely:- 1. Short title and commencement.- (1) These rules may be called the “[Federal] Employees Benevolent Fund and Group Insurance Rules, 1972. (2) They shall come into force at once. 2. Definitions.- In these rules, unless there is anything repugnant in the subject or context, (a) "Accounts Officer" in relation to an employee means the concerned officer specified in the “[First Schedule]; (b) "Act" means the “[Federal] Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969); (c) "Form" means a form annexed to these rules;

(d) "Organization" means such body corporate, institution, organization or autonomous body as has been specified by the ‘[Federal] Government under sub-clause (e) of clause (4) of section 2;

“Subs vide Act No. XXV of 1975. “Subs vide Estt. Division Notification No. S.R.O. 754(1)/88, dated 4-9-1988.

(e) "Secretary" means the Secretary of the Board; and (f) "Section" means a section of the Act. 3. Meeting of the Board.- (1) The meeting of the Board shall be

held at Islamabad or any other place approved by the Board at least once in each quarter.

(2) An extraordinary meeting of the Board may be called on the requisition of not less than three members thereof by the Chairman to consider any urgent matter:-

Provided that the members requisitioning the meeting shall clearly state the object of the meeting.

(3) Not less than seven clear days' notice shall be given for convening an extraordinary meeting:

Provided that the Chairman may, if he considers necessary, convene a meeting at a shorter notice.

(4) The members shall not be paid any remuneration by the Board for attending meetings or any daily allowance or travelling allowance to and from the place of their official duties to the place of the meeting.

4. Duties of the Secretary.- (1) All decisions of the meetings of the Board shall be recorded in a minute book to be maintained by the Secretary.

(2) Subject to the general control and supervision of the Chairman, the Secretary shall be responsible for -

(a) the conduct of correspondence on behalf of the Board; (b) the maintenance of all records of the Board; (c) the presentation of the budget for each financial year to the Board; (d) the preparation of the agenda and all matters ancillary to the meetings of the Board; and (e) the performance of such other functions as may be assigned to him by the Board. 5. Custody of the Funds.- The moneys credited to the Benevolent Fund and the Insurance Fund shall be deposited in the National Bank of Pakistan or in such other scheduled bank as may be approved by the Board for the purpose.

‘[6. Contribution to and benefits from Benevolent Fund.- (1) Every employee shall make a monthly payment to the Benevolent Fund at the rate specified in column (3) of the Second Schedule.

(2) The monthly Benevolent grant under section 13 shall be paid in accordance with the scale specified in column (4) of the Second Schedule].

"[6A. Subscription to and benefits from Group Insurance Fund.- (1) Every employee shall make a monthly payment to the Group Insurance Fund at the rate specified in column (3) of the Third Schedule.

(2) A sum specified in column (4) of the Third Schedule shall be paid to the family of an employee who dies while in service].

7. Payment of subscriptions or premia in default.- (1) Where the amount of subscription to the Benevolent Fund or the premium to the Insurance Fund cannot, for any reason, be deducted from the pay of an employee the employee shall-

(a) in case he is serving abroad, remit the amount to the head of his department; and

(b) in any other case, remit the amount to the Secretary.

“Subs & Ins vide Estt. Division Notification No. $.R.O. 754(1)/88, dated 4-9-1988

(2) In the case referred to in clause (a) of sub-rule (1), the head of the department, and in the case referred to in clause (b) of sub-rule (1), the Secretary shall deposit the amount received by him to the credit of the Benevolent Fund or, as the case may be, the Insurance Fund, in the National Bank of Pakistan or any other scheduled bank approved by the Board under rule 5.

(3) Any amount of subscription to the Benevolent Fund or any premium to the Insurance Fund remaining unpaid due to inadvertence or negligence of the employee or otherwise shall, upon a direction in writing of the Board, be deducted, in the case of an employee of an organization, by the head of the organization, and in any other case, by the Accounts Officer, from the salary of such employee.

(4) Where the Accounts Officer or the head of the organization, as the case may be, upon a request being made in writing by the employee finds that deduction of the amounts remaining unpaid will result in any hardship to the employee, he may deduct the amount in such number of installments, not exceeding twelve, as he may decide.

“[8. Medical authority for declaring an employee incapacitated. - The Medical authority for purposes of clause (a) of section 13 shall be a Board constituted by the Ministry of Health and consisting of three Medical Officers one of whom shall be a specialist in the field to which the incapacity of the employee to be examined relates].

“9. [x x x]

‘Subs vide Estt.Division Notification No.S.R.O.94(1)/84 dated 24-1-1984. “Omitted vide Estt. Division Notification No.S.R.O.754(1)/88 dated 4-9-1988.

10. Nomination of beneficiaries of the benevolent grant and of the sum assured.- (1) Every employee shall make a nomination conferring on one or more members of his family the right to receive a specified share of the benevolent grant or the sum assured that may be payable under section 13 or section 15.

(2) The employee may provide in the nomination -

(a) that, in the event of any one of the nominees pre-deceasing the employee, the right conferred upon that nominee under sub-rule (1) shall pass to such other member or members of the employee's family as he may specify in the nomination; and.

(b) that the nomination in respect of all or any of the nominees shall become void in the event of the happening of any contingency specified therein

(3) Every nomination shall be in Form "A".

(4) An employee may at any time cancel a nomination made under sub-rule (1) and make a fresh nomination.

(5) A nomination under sub-rule (1), or a fresh nomination under sub-rule (4), made by an employee shall be in triplicate and one copy of the nomination or, as the case may be, fresh nomination shall be signed by the head of the office and returned to the employee, one copy shall be placed in the Confidential Report or, as the case may be, Service Book of the employee and the “[third copy shall be placed in the Master Folder to be maintained by the department concerned].

(6) A nomination under sub-rule (1), or a fresh nomination under sub-rule (4), made by an employee shall, to the extent it is valid, take effect on the date on which it is received by the ‘[department] to whom it is sent under sub-rule(5).

‘Subs vide Estt. Division Notification No. S.R.O.754(1)/88 dated 4-9-1988.

11. Payment of benevolent grant and the sum assured where no valid nomination subsists.- Where no valid nomination made by the employee subsists at the time of his death in relation to the whole of the amount of the benevolent grant and the sum assured or any part thereof, the whole amount or, as the case may be, the part to which the nomination does not relate, shall be paid to the member or members of the family of the deceased employee in the manner hereinafter appearing:-

(a) The Board or an officer authorized by it in this behalf, may determine the members of the family of the deceased employee who are eligible to receive the benevolent grant and the sum assured:

Provided that if the members of the family of the deceased employee are determined by an officer authorized by the Board, any member may, within thirty days of such determination, appeal to the Board.

(b) If the members of the family of the deceased employee agree to nominate any one of them to receive the benevolent grant and the sum assured, the payment shall be made to that member.

(c) If there is no such agreement, the payment shall be made in the following manner:-

(i) if the deceased employee is survived by wife or as the case may be, husband, the benevolent grant and the sum assured shall be paid to her or, as the case may be, him; and, in case the deceased employee is survived by more than one wife, the amount of the benevolent grant and the sum assured, shall be distributed between them in the ratio of the number of members each one of them will maintain:

Provided that the recipient shall undertake to utilize the amount so received for the maintenance and benefit of all the members of the family of the deceased employee;

(ii) if the deceased employee is not survived by wife or, as the case may be, husband, the amount of the benevolent grant and the sum assured shall be distributed amongst the members of the family of the deceased employee keeping in view the requirement of each member.

12. Submission of application for benevolent grant, etc.- (1) On the death of an employee during the continuance of his employment, the head of the office of such employee shall forward through the head of the department, an application in Form *B' to the Board for payment of the benevolent grant and the sum assured.

(2) When an employee is declared by the medical authority to have been completely incapacitated physically or mentally to discharge the duties of his employment and is, for that reason, removed from service, the head of the office of such employee shall forward, through the head of the department, an application in Form *B' to the Board for payment of the benevolent grant.

(3) Upon receipt of an information that a retired employee has died within the period laid down in rule 9, the head of the office wherefrom such employee retired shall forward, through the head of the department, an application in Form ~B' to the Board for payment of the benevolent grant.

(4) Upon receipt of an application under this rule, the board shall, after making such enquiry and taking such evidence in the case of an application under sub-rule (3) as it may consider necessary, pay the benevolent grant, or the sum assured, or both as the case may be, to the person entitled to receive it under section 13, or rule 10, or, rule 11, as the case may be.

“[13. Life time arrears.- The Benevolent Grant which was not drawn by the beneficiary during his life shall be paid to his family members up to Rs 5000 on production of an Indemnity Bond:

Provided that, the total amount exceeds Rs 5000 it shall be paid on production of a Succession Certificate].

“[14. Neglect of Receipt of Benevolent Grant.

If the benevolent grant is not drawn for a continuous period of “Tone year] or more, further payment will be stopped and shall be resumed on obtaining fresh instructions of the Board of Trustees in deserving cases.

“[15. Discontinuance of Grant.- (1) The Benevolent Grant shall be discontinued if-

(a) an employee retired on medical grounds under clause (a) of section 13 gets usefully employed or sets up viable business and his monthly income exceeds © [Rs 2100;] or

(b) the recipient of the grant ceases to be a member of the family as defined in sub-section (5) of section 2.

(2) The recipient of grant shall be required to furnish a certificate every quarter that he has not ceased to be eligible for the grant on account of marriage, employment or setting up business as the case may be].

‘Subs. vide Estt. Division Notification No. S.R.O. 754(1)/88 dated 4-9-1988. “Added vide Estt. Division Notification No. S.R.O.95(1)/84 dated 24-1-1984. “Subs vide Estt. Division Notification No. S.R.O.560(1)/86 dated 20-5-1986. Revised vide Estt. Division Notification No. S.R.O. 218(1)/96, dated 13-3-1996.

“[16. Monthly Income of the dependent Family Member upto **TRs.2100/-] to be Ignored.- A person having a monthly income of **[Rs. 2100/-] or less ***[may in appropriate cases] be considered to be

wholly dependent upon the deceased employee.

@[17. Payment of Benevolent Grant to Insane Person.- In case of insane persons benevolent grant shall be paid to the nominee or in case no nomination exists through the eligible family member under rule 11 (a).]

@@(18. Exemption of Personal Appearance for Receipt of Benevolent Grant from Bank: A female grantee not accustomed to appear in public or any grantee who is unable to appear in consequence of bodily illness or infirmity may receive his or her monthly benevolent grant through a representative upon the production of life certificate signed by a Gazetted officer of Basic Scale 17 or above or by some other well known trustworthy person].

@@@/19. Payment of grant to an incapacitated or a deceased employee for the marriage of one daughter:-

A lump sum amount of Rs.5000/- (Rupees five thousand only) shall be payable to an incapacitated employee or the family member(s) of a deceased employee who is/are in receipt of a Benevolent Grant on or after 1-1-1995 for the marriage of one daughter, subject to the following conditions:-

(a) The incapacitated or the deceased employee must be in basic pay scale 1 to 16 (excluding employees who are in BPS-16 but have been moved to BPS-17).

(b) The marriage of the daughter takes place on or after 1st January, 1995; and

“Added vide Estt. Division Notification No.S.R.O.95(1)/84 dated 24-1-1984. “Subs vide S.R.O. No. 218(1)/96, dated 13-3-1996 with effect from 1-1-1996 “Subs vide Estt. Division Notification No. S.R.O. No. 754 (1)/88, dated 4-9-1988 °Subs vide Estt. Division Notification No. S.R.O. 95(1)/84 dated 24-1-1984.

@@ Added vide Estt. Division Notification No. S.R.O. 1123(1)/84, dated 16-12-1984. @0@ Added vide Estt. Division Notification No. S.R.O. No. 540(1)/96, dated 5-6-1996.

(c) The grant shall be paid on production of a marriage certificate issued by the competent authority, within the period of six months from the date of marriage. A relaxation of six months in the time period may be sanctioned by the Managing Director, Federal Employees Benevolent and Group Insurance Funds.

2. This notification shall be deemed to have been effect from 1st January, 1995].

(20. A lump sum payment of Rs.3,500/- shall be made as burial charges to the bereaved family on the death of an employee if he/she dies on or after 8-1-1996 while in service or after invalidation/retirement before attaining the age of seventy years, provided that the deceased was a non- gazetted employee (BPS 1 to 15) or equivalent as defined in the "Federal Employees Benevolent Fund and Group Insurance Act, 1969".

2. This notification shall be deemed to have taken effect from 8th January, 1996].

“[21. Payment of Sum Assured.- The Board shall directly pay to the family member(s) of a deceased employee, a sum specified in column (4) of the third Schedule, as sanctioned under section 15 of the Federal Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969].

2. This notification shall be deemed to have taken effect from 1st July, 1995.

(22. Medical Incapacitation.- (1) Where a Board, constituted under rule 8, recommends eighty per cent or more disability for an

incapacitated employee shall be treated as completely incapacitated physically or mentally for the purposes of section 13 of the FEBF & GI Act (II of 1969).

2. This notification shall come into force on Ist January, 1999].

“Added vide Estt. Division Notification No.S.R.O.No.1165(1)/96, dated 2-10-1996(w.e.f. 8-1-1996). “Added vide Estt. Division Notification No. S.R.O. 1227(1)/98, dated 15-10-1998.

THE FIRST SCHEDULE [See Rule 2 (a)]

Accountant General, Pakistan Revenues, Islamabad. Accountant General, Pakistan Revenues, Sub-office, Lahore. Accountant General, Pakistan Revenues, Camp Office Karachi. Accountant General, Pakistan Revenues, Sub-office, Karachi. Accountant General, Pakistan Revenues, Sub-office, Quetta. Accountant General, Pakistan Revenues, Camp Office Gilgit. Director Pakistan Post Office Accounts, Lahore.

Director Telegraph and Telephones, Accounts, Lahore. Chief Accounts Officer, M/o Foreign Affairs, Islamabad. 10. —_ Directorate of Accounts M/o Food and Agriculture, Karachi. 11. Pakistan Mint, Lahore.

12. Geological Survey of Pakistan, Quetta.

13. Directorate of Accounts National Savings, Rawalpindi.

14. Controller of Military Accounts, Air Force, Peshawar.

15. Controller of Military Accounts, (RC), Rawalpindi.

16. Controller of Military Accounts, (DPP & ISO's), Rawalpindi. 17. Controller of Military Accounts, (FWO), Rawalpindi.

18. Controller of Military Accounts, (DP), Rawalpindi.

19. Controller of Military Accounts, (O), Rawalpindi.

20. Controller of Military Accounts, (LC), Lahore.

21. Controller of Military Pension, Lahore.

22. Controller of Military Accounts, (FC), Lahore.

33 Controller of Military Accounts, (KC), Karachi.

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24. 20. 26. 21. 28.

Controller of Naval Accounts, Karachi.

Deputy Controller of Military Accounts N.A Gilgit. Controller of Local Audit, Lahore.

Military Engineering Services.

Controller of Factories Accounts, Wah Cantt.

THE SECOND SCHEDULE [See Rule 6]

BENEVOLENT FUND

The rate of contribution to the Benevolent Fund and the amount of monthly grants payable out of the Benevolent Fund will be as under:

Sl. Monthly Rate of Rate of No. Pay monthly monthly contri- Benevolent bution Grant

1 2 3 4 Rs. Rs.

1. 501 to 600 .... 11 270

2. 601 - 700 .... 13 300

3. 701 - 800 .... 15 330

4. 801- 900 .... 17 360

5. 901 - 1000........... 19 390

6. 1001 - 1100........... BA 420

7. 1101 - 1200........... 23 450

8. 1201 - 1300........... 25 480

9. 1301 - 1400........... 27 510

10. 1401 - 1500........... 29 540

11. 1501 - 1600........... 31 570

12. 1601 - 1700........... 33 600

13. 1701 - 1800........... 35 630

14. 1801 - 1900........... 37 660

15. 1901 - 2000........... 39 690

16. 2001 - 2100........... 41 720

17. 2101 - 2200........... 43 750

18. 2201 = 2300.02.05... 45 780

. 2301 - 2400 . 2401 - 2500 . 2501 - 2600 . 2601 - 2700 . 2701 - 2800 . 2801 - 2900 . 2901 - 3000 . 3001 - 3100 . 3101 - 3200 . 3201 - 3300 . 3301 - 3400 . 3401 - 3500 . 3501 - 3600 . 3601 - 3700 . 3701 - 3800 . 3801 - 3900 . 3901 - 4000 . 4001 - 4100 . 4101 - 4200 . 4201 - 4300 . 4301 - 4400 . 4401 - 4500 . 4501 - 4600 . 4601 - 4700 . 4701 - 4800 . 4801 - 4900 . 4901 - 5000 . 5001 - and above

“(THE THIRD SCHEDULE (See rule 6A) GROUP INSURANCE The rate of contribution to the Group Insurance Fund and

the amount of sum assured to be paid to the family of an employee, with effect from first January, 1996, shall be as

under: -

Sl. Monthly pay Rate of Monthly Sum assured No. (Rs) Contribution(Rs) (Rs) 1 2 3 4 1. Upto 1500 24.50 70,000

Di 1501 2000 29.75 85,000

3: 2001 2500 35.00 100,000 4. 2501 3000 40.25 115,000 5. 3001 3500 45.50 130,000 6. 3501 4000 50.75 145,000 i 4001 4500 56.00 160,000

8. 4501 5000 61.25 175,000

9. 5001 5500 66.50 190,000 10. 5501 6000 Died5 205,000 11. 6001 6500 77.00 220,000 12. 6501 7000 82.25 235,000 13. 7001 7500 87.50 250,000 14. 7501 8000 92.75 265,000 15. 8001 8500 98.00 280,000 16. 8501 9000 103.25 295,000 17. 9001 9500 108.50 310,000 18. 9501 10000 113.75 325,000 19. 10001 10500 119.00 340,000

20. 10501 11000 124.25 355,000

21. 11001 11500 129.50 370,000

‘Subs vide Estt. Division S.R.O. No.21(1)/96 dated 28-12-1995.

1 Z 3 4

oe. 11501 12000 134.75 385,000 Do: 12001 12500 140.00 400,000 24. 12501 13000 145.25 415,000 25: 13001 13500 150.50 430,000 26. 13501 14000 155.75 445,000 os 14001 14500 161.00 460,000 28. 14501 15000 166.25 475,000 29: 15001 15500 171.50 490,000 30. 15501 16000 176.75 505,000

31. 16001 & abovel82.00 520,000]

FORM *A'

[See Rule 10]

Name and Designation of the employee Service/Department

I hereby nominate the person/persons mentioned below who is/are member/members of my family as defined in section 2 of the Federal Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969), to receive the benevolent grant and the sum assured in the event of my death.

PART I (For wife/ husband only) Name of nominee/nominees — Relationship Age Specification Remarks of share PART II

(For members of family other than wife/husband)

Name of nominee/nominees Relationship Age Specification Remarks of share

Certified that the member or members of my family mentioned in Part II reside with me and are wholly dependent upon me.

The earlier nomination made by me may kindly be treated as cancelled.

( ) Dated Signature or thumb impression of the employee Witnesses: (Name in block letters) Service and Department 1.

(Signature/thumb impression) (Name and Designation in block letters) (Signature/thumb impression) (Name and Designation in block letters) Signature and seal of

the head of the office

FORM *B'

[See Rule 12]

PART I 1: (a) Name of — the deceased/incapacitated employee

(b) Father's/Husband's name

(c) His/her service or department (d) Head of Office

(e) Station/Place of last posting

2. Pay per month i.e......... a) Basic pay b) Special pay c) Technical pay d) Personal pay e) Indexation pay

3. Date of Birth

4. Date of entry into service

5. Date of death (death cases only)

6. Date of removal from service on account of

a) Incapacitation b) Retirement c) Death during service

7. Name/Names of nominee/nominees (Nomination required both in

death and invalid cases)

Name Age Relationship Profession Marital Monthly status Income

(a)

(b)

)

d)

()

(f)

8. Address of nominee(s) of the deceased or incapacitated employee where correspondence can be made. (In death cases where there is no nomination similar particulars of eligible dependent may be given).

9. Branch of National Bank of Pakistan nearest to the residence of beneficiary/beneficiaries.

10.Period for which contributions to Benevolent and Group Insurance Funds were not paid

PART II

11.Following Documents must be submitted with Claim:

(a) Annex "A".- A copy of last pay certificate by the Head of the Office duly attested by the Head of Department.

(b) Annex "B".- Attested photostat copy of the page of service book/document showing date of birth.

(c) Annex "C".- Attested photostat copy of the page of service book showing date of entry in service.

(d) Annex "D".- (Death cases only). Three copies of death certificate duly attested. These may be in the form of office order notifying the death, certificate by a medical officer or extract from the register of births/death of Union Council/ Union Committee/Municipal

(e)

(f) (g)

(h)

Gi)

A)

Comittee.

Annex "E".- (Invalid Cases) A copy of the Medical Board proceedings duly attested by the Head of the Department. Medical Board must comprise of three Medical Officers one of them being a specialist. Medical Board proceeding must record the case history and the exact nature of disability. (See Part IV).

Annex "F".- Nomination form duly attested.

Annex "G".- List of family members and dependents i.e wife/wives, children, father, mother, minor brothers and unmarried/divorced sisters. The list should indicate name, relationship, age, marital status, profession, monthly income and present address.

Annex "H".- Wholly dependence certificate (other than wife and husband) by the Head of Department.

Annex "I".- Envelop containing four copies of photographs duly attested in respect of each nominee or the incapacitated employee bearing the name of the person on the reverse of three photos and one on the face. In case of purdah observing ladies, photographs will not be required. A certificate that they are purdah observing must be attached.

Annex "J".- Four signatures/thumb impressions on separate sheets (four on each sheet) of each nominee/dependents/ incapacitated employee duly attested by the competent authority. PaRT III CERTIFICATES BY THE HEAD OF DEPARTMENT

Certified that the information contained above is correct according

to our record.

Certified that the above named employee is/was neither a contingency work charged employee nor a deputationist from any provincial Government (In case of a deputationist from one Federal Government Department to another, the case will be preferred by his parent Department).

Certified that the employee died during the continuance of his service (death cases only).

Certified that the employee died after retirement before attaining the age of seventy years (death after retirement cases only).

Certified that the above claim has been preferred for the first time and has not been sent previously.

N.B.- Score out which is not applicable.

Seal & Signature

Head of the office

Forwarded to the Assistant Director, Regional Board, Federal Employees Benevolent and Group Insurance Funds, Karachi/Islamabad.

Seal & Signature Head of the Department

PART IV

INVALIDATION CERTIFICATE FEDERAL EMPLOYEES See CSR Articles 442 (d),(e),443(a),(b)&(c) and 447

1. Important Instructions (a) All columns must be typed.

(b) All columns must be filled. Those not applicable must be crossed.

(c) Head of the Department is personally responsible for accurate completion of this form.

(d) An individual will not be removed from service until Head of the Department has approved the Medical Board

proceedings.

(e) Medical Board must comprise three members one being a

Specialist. Name S/o,D/o, W/o, Designation Office Department Total service

Age:Per statement/documents per appearance Identification marks

Left hand thumb impressions/signatures duly attested.

Opinion: (A detailed statement of medical case, and of the treatment adopted as per CSR 443 (a). If necessary attach documents).

2. Opinion of the Medical Board

In consequence of We consider him/her (name)

a)

b)

C)

d)

e)

Dated:

nt

To be completely and permanently incapacitated for further service of any kind.

Completely and permanently incapacitated for service in the Department to which he/she belongs.

Incapacitated for service in the appointment which he now holds but we are of the opinion that he/she is (or may after resting for months be) fit for further service of less laborious character than that which he/she has been doing. His/her degree of disability

His/her incapacity does/does not appear to have been

caused/aggravated or accelerated by irregular or intemperate habits.

Preside

(Name,

signature & seal)

Member

Member

(Name, Signature & Seal) (Name, Signature & Seal)

APPROVED/NOT APPROVED

(For partial disability See CSR Article 447 (b). If a person is likely to improve after a certain period he may be given long leave admissible to him instead of invaliding him out of service.

Place Dated

HEAD OF DEPARTMENT (Name, Signature and Seal)

(12) The aforesaid amendments in the Federal Employees Benevolent Fund and Group Insurance Rules, 1972 will take effect from 4th September, 1988.

Secretary Administrative instructions relevant to the Federal Employees Benevolent Fund and Group Insurance Act and the Rules made thereunder

Sl. No. 3

Deductions in pursuance of the Federal Employees Benevolent Fund and Group Insurance.- All the provisions of the Federal Employees Benevolent Fund and Group Insurance Act, 1969 have come into force as from the 3rd April 1969, in respect of all employees as defined in that Act except the employees in the civil armed forces. It is, therefore, necessary that the deductions on account of subscriptions to Benevolent Fund and premia for Insurance Fund should be started from the salaries of all affected employees for the month of April 1969, payable on the 1st May, 1969.

2. The monthly rates of subscriptions to the Benevolent Fund and premia to the Insurance Fund have been prescribed as follows for the present:-

(a) Federal Employees Benevolent Fund.- "[Two per cent of the pay (maximum Rs 100] as defined in the aforesaid Act.

(b) Federal Employees Insurance Fund.- "{1.05 + 11.375 per cent of pay (maximum Rs 182).]

3. The government of Pakistan has been pleased to decide that insurance premia on behalf of all non-gazetted employees shall be paid by the Government itself to the Board of Trustees of the Insurance Fund.

4. The procedure for collection and accounting of subscriptions and premia to the Benevolent and Insurance Funds has been laid down in the Ministry of Finance letter No.F.6-11/69-B.III, dated the 12th April, 1969, addressed to the Comptroller and Auditor General of Pakistan, (Annexure). According to the procedure two new Forms TR-55 (Small) for Gazetted Employees and TR-55-A (Large) for Non-Gazetted Establishment have been introduced to account for subscriptions and premia to these Funds. As gazetted officers are self-drawing officers the deductions toward the Federal Employees Benevolent Fund and Insurance Fund shall be made by the officers themselves from their pay- bills. In the case of non-gazetted establishment, the Drawing and Disbursing Officer shall make deductions from the establishment

"Subs vide Finance Division Letter No.14/7/Admn-BT dated 15-9-1988. pay bills in respect of Benevolent Fund only. However, the amount which

is to be contributed by Government to the Insurance Fund on account of premia for its non-gazetted employees shall also be worked out and shown in the relevant columns of Form TR 55-A (large) which is to be attached with establishment pay bills. The Drawing and Disbursing Officers shall make sure that the amounts pertaining both to non-gazetted employees' subscriptions to the Benevolent Fund and Government's contribution of premia to the Insurance Fund shown in the schedule in Form TR 55-A (Large) attached to establishment pay bills are correct in all respects. Column 1 of TR Forms 55 and 55-A and space for Code No. of Drawing and Disbursing Officer in TR 55-A may be left blank for the present. Entries therein should be made when Identification and Code Numbers are communicated in due course.

5. It is requested that necessary instructions on the above lines may kindly be issued to all concerned so that deductions in pursuance of the Federal Employees Benevolent Fund and Group Insurance Act, 1969 may be made without fail from the pay bills of Federal Government employees for the month of April, 1969 payable on the Ist of May, 1969.

6. This office Memorandum has been issued with the concurrence of the Ministry of Finance vide their U.O No 686-B/69, dated the 12th April, 1969.

[Authority.- Estt. Division O.M. No. 6/3/69-O&M (RP)-AI, dated 12-4-1969]. ANNEXURE

Copy of Ministry of Finance letter No. F.6-11/69-B.III dated the 12th April, 1969.

SUBJECT.- Federal Employees Benevolent Fund and Insurance Fund -- Procedure for collection and accounting of subscriptions and premia.

I am directed to refer to the correspondence resting with your u.o

No. 497-Pro.II/124, dated 5th April, 1969, on the subject mentioned above and to convey the approval of the Government of Pakistan to the following basic procedure being observed for the collection and accounting of subscriptions to and premia for the Federal Employees' Benevolent Fund and Insurance Fund:-

Gi)

(ii)

(iii)

In the case of gazetted officers the deductions towards Federal Employees Benevolent Fund and Insurance Fund shall be made by officers themselves from their pay bills. A schedule in Form TR 54-A showing the deductions made shall be prepared in triplicate. Two copies of the schedule shall be attached to the pay-bill and the third copy shall be retained by the Administrative Department as office copy with the pay bill.

In the case of non-gazetted establishment the Drawing and Disbursing Officer shall make deductions from _ the establishment pay bills in respect of Benevolent Fund only. A schedule in Form TR 54-B shall be prepared in triplicate. Two copies of the schedule shall be submitted with the establishment pay bill and the third copy shall be retained with the office copy of the bill.

No deductions on account of premia of Federal Employees Insurance Fund shall be made from the salaries of the non- gazetted establishment because it has been decided that insurance premia on behalf of the all non-gazetted employees shall be paid by Government itself to the Board of Trustees of the Insurance Fund. However, the amount which is to be subscribed by Government on that account shall be worked out according to the prescribed rate and shown in the relevant columns of Form TR 54-B referred to in the preceding sub-para.

iv)

(v)

Vi)

Vil)

The Treasury Officer/Accounts Officer (in the case of pre- audited bills) and officers empowered to order payment of salaries in Post Office and T&T Departments shall check that the amount of deductions shown in the schedules tally with the amounts so included in the pay bills of the officers and the establishment pay bills of non-gazetted employees. In token of this check they shall affix their signatures on both copies of the certificates printed at the foot of the Forms TR 54-A and 54-B.

By 10th day of the month, the Treasury Officer/ Accounts Officer/Deputy Comptroller of Posts, Telegraphs and Telephones, Lahore and other officers authorised to order payment of salaries of employees of Post Offices and T&T Departments shall pass on the first copy of the certified schedule with proper covering lists to the branches of the National Bank of Pakistan at their respective stations, which will work as bankers and representatives of the Board of Trustees of the Federal Employees Benevolent and Insurance Funds.

Treasury Officers and other officers who are required to submit monthly accounts to Accounts Offices will pass on the second copy of the certified schedules to the Accounts Offices concerned.

After receipt of the monthly accounts from the treasuries together with the certified copies of the schedules, the Accounts Offices shall credit the deductions on account of Benevolent Fund and Insurance Fund in respect of Gazetted employees and on account of Benevolent Fund in respect of non-gazetted employees to the deposit heads indicated

viii)

ix)

below:-

Benevolent Fund.- Cr. Minor Head "Federal Employees Benevolent Fund" in section P-Deposits Advances - Part II- Deposits not bearing Interest-(C) Other Deposit Accounts - Other Accounts.

Insurance Fund.- Cr. Minor Head "Federal Employees Insurance Fund" in section P-Deposits and Advances-Part II- Deposits not bearing Interest-(C) Other Deposit Accounts- Other Accounts.

The Accounts Offices shall also furnish a consolidated statement of receipts in respect of each Fund to the Board of Trustees.

Every Audit Officer will authorise every month the State Bank of Pakistan to pay to the National Bank of Pakistan as bankers of the Board, the amounts recovered and accounted for by them (ie. exclusive of Government's contribution pertaining to non-gazetted employees) in respect of Benevolent Fund and Insurance Fund by debiting the same to the respective deposit heads mentioned in sub-para (vii) above in the Federal Government's accounts. This means that the above mentioned deposit accounts will be cleared at regular monthly intervals so that the balances in these deposit accounts at the close of the financial year are nil.

For claiming payment of the Federal Government's contribution to the Insurance Fund in respect of non-gazetted Federal employees, the Board of Trustees of the Fund will prepare, from the schedules received by the National Bank of Pakistan in accordance with sub-para (v) above, a bill for the amount due and submit it to the concerned Accounts

Offices for getting payment. The bills on payment shall be debited to the detailed head "Contributed to the Federal Employees Insurance Fund in respect of non-gazetted employees". under the head "57-Miscellaneous - Miscellaneous and Unforeseen Charges" and will be accounted for in the grant "Other Expenditure of the Establishment Division" under a distinct sub-head of same nomenclature.

EMPLOYEES BENEVOLENT FUND AND INSURANCE FUND DEDUCTIONS

Office of the Schedule of deductions for the month of 2000

Federal Employees Benevolent

FORM T.R 54-A

(For Gazetted Employees)

(See Rule 604)

SCHEDULE OF FEDERAL

Federal Employees Insurance

Fund Fund Identification | Name of the employee Pay Reasons for variation No. Amount Variation from Amount Variation from realised previous month realised previous month if any(-) if any(-) Rs Rs or (+) Rs. or (+) 1 2 3 4 5 6 7

SIQNALUTE....seessseseeesees

Dates snccorearucongiureattnentgecnvectpeetes Designation...

FOR USE IN TREASURY/ ACCOUNTS OFFICE

Certified that the deductions shown in the above schedule in respect of Benevolent Fund and Insurance Fund tally with the amounts so

included in the Pay Bill of the employee.

Treasury Officer/Disbursing Officer

DAte..:...cseesres Accountant General/Comptroller

FORM T.R 54-B

(For Non-gazetted Establishment)

See Rule 604)

SCHEDULE OF FEDERAL EMPLOYEES BENEVOLENT FUND AND INSURANCE FUND DEDUCTIONS/SUBSCRIPTIONS

Office Of the 2G kG BAGG NE AGS NGS ie BAS EE BR (Code No. of Drawing and Disbursing Officer.) Schedule of deductions/subscription for the month of ssvussavespssenbdnsrasnhicsvonglaesdstatennacabtuvsases sosvodghasvecuatastvatas dap nasabsasnabahsevusiatasnsesanseabeaneaaee 2000 Federal Employees Benevolent Federal Employees Insurance Fund Fund Identification | Name and Designation Pay

Reasons for variation No. of employee Amount Variation from Amount to Variation from Rs. realised previous month be subscribed

previous month

if any(-) by Government if any(-) Rs. or (+) for non-gazetted or (+) employees

Signature...

Designation..

(Drawing and Disbursing Officer)

Sl. No. 4

Instructions regarding nomination Forms.- The matter regarding filling of nomination forms by the Federal Employees came under discussion in the meeting of the Board of Trustees held on 5th June, 1971.

2. It was pointed out that instructions issued by the Board for acknowledging the receipt of nomination forms of the employees do not meet the requirements. It was also pointed out that the Accounts Officers were receiving a copy of nomination form of the employees under the new instructions. As the Accounts Officers are not concerned with settlement of claims, it was stated that the filling of one form with them was unnecessary.

3. It was, therefore, decided that nomination forms under Federal Employees Benevolent and Group Insurance Act of 1969, should continue to be filed in triplicate. One copy should be signed by the Head of the Office and returned to the employee; one should be placed in CR/Service Books of the gazetted and non-gazetted employees respectively and one should be sent to the Director, Regional Board, in whose jurisdiction an employee is serving.

4. This supersedes all previous instructions.

[Authority.- Estt. Division O.M.No.1(4)-BT-A/RP/70 dated 24-8-1971].

Sl. No. 5

According to the Establishment Division O.M. No. 1(4)BT- A/RP/70, dated the 24th August, 1971 one copy of the nomination forms duly signed by the Head of the Office is to be returned to the employee, one to be placed in the CR/Service Book of the gazetted/non-gazetted employees respectively and one to be sent to the Director, Regional Board in whose jurisdiction an employee is serving. The following questions have been raised by certain Ministries/Divisions:-

(1)

(2)

One copy of the nomination form is to be sent to the Regional Board concerned for record. Difficulty will arise in the case of employees who are liable to be transferred throughout Pakistan and where transfers are frequent. It is for consideration whether the forms will have to be transferred to the region where the individual is transferred or these are to be kept by the Regional Board which originally received them.

Under the revised orders, one copy of the nomination forms in respect of gazetted officers is required to be placed in the ACR dossier. In the case of CSS Officers and Economic Pool Officers whose CR Dossiers are maintained in duplicate, it is not clear whether the Forms is to be kept in the original or the duplicate file.

The position is clarified as under:-

(a) As regards (1) above, the forms should remain with the Regional Board who originally received. These can be collected when need arises. One copy of forms will remain with the Department and as there would be three copies no such difficulty is anticipated in their location.

(b) Regarding(2) above, nomination form be kept by the Ministry concerned who has to process the case.

[Authority.- Estt. Division O.M. No. 1 (4) BT-A/RP/70, dated 28-2-1972].

Sl. No. 6

Submission of applications for Benevolent Grants.- It has been noticed that applications for the sanction of benevolent grant and sum assured are not being properly completed by the Heads of the Offices/Departments concerned, which results in delay in the disposal of cases. This causes hardship to the beneficiaries.

2. According to rule 12 of the CEBF & GI Rules, 1972, the head of an Office of the employee shall forward through the Head of the Department, an application in Form ~B' to the Director, Regional Board, Rawalpindi or Karachi as the case may be, upon his death during continuance of employment or within five years of retirement and when he is declared by the prescribed medical authority to have been completely incapacitated physically or mentally to discharge the duties of his employment and is, for that reasons, removed from service. All the columns of the form are to be completed and the following documents are also required to be furnished with the Form:-

(1) Certificate of the Head of the Department regarding the pay of the employee at the time of his death and incapacitation.

(2) Three copies of the certificate from the Head of the Department or Medical Officer or extract from the Register of birth/death of Union Council/Union Committee/Municipal Committee in support of the date of death.

(3) Copy of Nomination Form.

(4) Four copies of duly attested photographs of each nominee/or the incapacitated employee.

(5) Four signatures/thumb impressions on separate sheet (four on each sheet) of each nominee/ incapacitated employee duly attested.

(6) In case of incapacitated, employee, a certificate in original from the Medical Authority and a copy of the order removing/retiring the incapacitated employee.

3. Heads of Offices/Departments while signing the application form will please ensure that it is properly completed in all respects and all the requisite documents are sent alongwith it.

[Authority.- Board of Trustees,CEB & IF letter No.7-16/71-BT, dated 5-9-1972].

SI. No. 7

Determination of Benevolent Grant on the basis of pay last drawn.- In case of retired Government servants who die before the age of sixty years, the Federal Government Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969), provides for the sanction of Benevolent Grant under section 13. A retired

Government servant receives pension and not pay. The term pay as defined in the Act does not include pension. A question was raised as to whether the Benevolent Grant should be determined on the basis of the pay last drawn or the pension. On a reference being made to the Law Division it has been confirmed that in such cases, the Benevolent Grant payable under section 13 of the Act will not be on the basis of pension which is not pay, but on the basis of the pay last drawn.

[Authority.- Board of Trustees, CEB & IF letter No. 1/11/BT/RP/71, dated 15-1-1972]. CHAPTER XII

APPEALS, PETITIONS AND REPRESENTATIONS

(1091 - 1092)

APPEALS, PETITIONS AND REPRESENTATIONS

Civil Servants (Appeal) Rules, 1977

SI. No. 44:

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:—

1. (1) These rules may be called the Civil Servants (Appeal) Rules, 1977.

(2) They shall come into force at once.

2. In these rules unless there is anything repugnant in the subject or context,—

*[(a) Appellate authority means. —

(1) in cases relating to discipline.—

(i) where the order is made by the authorised officer, the officer designated as authority under the Government Servants (Efficiency and Discipline) Rules, 1973.

(il) **lwhere the order is made by the officer, designated as authority under the rules specified in paragraph (1), the officer or authority next above the authority; and].

(iii) where the order is made by the Prime Minister, the President; and

(2) in other cases, the officer or authority next above the authority against whose order the appeal is preferred and where the order is made by the Prime Minister, the President; and]

(b) i

(c) "penalty" means a penalty provided for in the Government Servants (Efficiency and Discipline) Rules, 1973.

*Subs. and omitted vide Establishment Division Notification S.R.O.No.178(1)/99, dated 24-3-1999. **Subs vide Establishment Division Notification SRO No.335(I)/2000, dated 14-6-2000.

3. Every civil servant shall be entitled to appeal, to the appellate authority from an order passed by an authority *[or an authorized officer] imposing upon him

any penalty:

Provided that, where the penalty is imposed by an order of the President, the civil servant shall have no right to appeal but he may apply for review of the order.

4. (1) A civil servant shall be entitled to appeal to the appellate authority from an order passed by an authority which—

(a) alters to his disadvantage, his conditions of service, pay, allowances or pension; or

(b) interprets to his disadvantage the provisions of any rules whereby his conditions of service, pay, allowances or pension are regulated; or

(c) reduces or withholds the maximum pension, including an additional

pension, admissible to him under the rules governing pensions; or

(d) terminates his employment or gives notice of such termination otherwise than—

i) | onhis reaching the age of superannuation, or

ii) in accordance with the pro-visions of the Civil Servants Act, 1973 (LXXI of 1973);

Provided that a person appointed by the President shall have no right to appeal from an order passed by the President, but he may apply for review of the order:

Provided further that no appeal or review shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

(2) A member of an All-Pakistan Unified Grades serving under a Provincial Government may appeal, from the order of the Provincial Government, to the President.

(3) A civil servant appointed by the President may appeal to the President from an order passed by an authority subordinate to the President.

*Amended vide Establishment Division Notification No.3/7/79-DI, dated 28-1-1981.

5. (1) Every person preferring an appeal should do so separately and in his own name.

(2) Every appeal preferred under these rules shall contain all material statements and arguments relied upon by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself.

(3) Every appeal shall be submitted through the Head of the office to which the appellant belongs or belonged, and through the authority from whose order the appeal is preferred.

(4) Every appeal shall be submitted within a period of thirty days of the communication of the order appealed against.

6. (1) In the case of an appeal under rule 3, the appellate authority shall consider—

(a) Whether the facts on which the order appealed against was based have been established;

(b) Whether the facts established afford sufficient ground for taking action; and

(c) Whether the penalty is excessive adequate, or inadequate, and, after such consideration shall confirm, set aside or modify the previous order,*[and the appellant shall be informed of the reasons for passing such order].

(2) In the case of an appeal under rule 4, the appellate

authority shall pass such order as, having regard to all circumstances of the case, appears to it just and equitable.*[and the appellant shall be informed of the reasons for passing such order].

(3) The authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

7. (1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred if:—

(a) it is an appeal in a case in which no appeal lies under these rules; or (b) it does not comply with the provisions of sub-rule (1), (2) or

(3) of the rule 5; or

*Added vide Establishment Division Notification S.R.O. No.582 (1)/93, dated 26-6-1993.

(c) it is not preferred within the time specified in sub-rule (4) of rule 5 and no reasonable cause is shown for the delay; or

(d) it is addressed to an authority to which no appeal lies under these rules; or

*[(e) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case]:

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it:

Provided further that an appeal withheld on account only of failure to comply with the provisions of sub-rule (2) or (3) of rule 5 or clause (d) may be resubmitted within one month of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted in a form which complies with those provisions or is

addressed to the proper appellate authority, as the case may be, shall not be withheld.

(2) No appeal shall lie against the withholding of an appeal by an authority competent to do so.

8.(1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority with an expression of opinion by the authority from whose order the appeal is preferred.

(2) Every appeal by a civil servant serving under a Provincial Government or a local authority, which is not withheld under these rules shall be forwarded by the Provincial Government or the local authority to the Federal Government with an expression of its opinion.

(3) A list of appeals withheld under rule 7, with reasons for withholding them shall be forwarded quarterly by the with-holding authority to the appellate authority.

(4) An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

*Added vide Establishment Division Notification No. 5//81-R.1., dated 26-12-1981.

9. (1) Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any order passed before they came into force.

(2) All appeals pending immediately before the coming into force of these rules shall be deemed to be appealed under these rules.

10. The Civil Services (Classification, Control and Appeal) Rules, 1930, are hereby repealed, but the repeal thereof shall not affect any action taken or anything done thereunder.

[Authority.—Establishment Division Notification S.R.O. No. 54(1)/77, dated 17-1-1977].

Guidelines for Submission of

Appeals/Representations to the Chief Executive/President

SI. No.45:

It has been observed that Ministries/Divisions/Departments generally do not forward to the Establishment Division complete/ comprehensive references on the appeals/representations filed by the aggrieved Civil Servants before the Chief Executive/President, for orders in the capacity of the Appellate Authority. It results in back-referencing and inordinate delay in processing/finalization of such cases.

2. In order to facilitate objective analysis and speedy disposal, the appeals/representations preferred by the Civil Servants under the Civil Servants (Appeal) Rules, 1977, or Section 9 of the Removal from Service (Special Powers) Ordinance, 2000, as the case may be, should invariably be submitted in the form of self contained Summary supported by copies of the following essential documents as annexures:—

(i) charge sheet;

(ii) reply of the accused to the charge sheet;

(iii) = inquiry report;

(iv) | Show Cause Notice;

(v) reply of the accused to the Show Cause Notice;

(vi) | recommendations/order of the Authorized Officer or the Authority, as the case may be, regarding the imposition of penalty upon the accused;

(vii) notification of the penalty;

(vill) appeal/representation (in original) alongwith its enclosures; and

(ix) detailed parawise comments' of the — concerned Ministry/Division/Department on the appeal/representation, in juxtaposition as per prescribed format, annexed herewith.

2. All Ministries/Divisions/Departments and _ Provincial Governments are requested to bring these guidelines to the notice of all concerned for guidance/compliance.

[Authority.—Establishment Division O.M.No.5/4/94/Rev/D.3 dated 19-9-2001].

PARAWISE COMMENTS ON THE APPEAL SUBMITTED

(NAME, DESIGNATION, OFFICE, BPS), AGAINST MINOR/IMAJOR PENALTY

SI. | Contention of the accused | Comments of the | Comments to be offered by No. | (Relevant paras in appeal to | Ministry/Division/ | Establishment Division. be reproduced. Department.

1 2 3 4

Submission and Transmission of Petitions (on service matters) to the President

SI. No. 2

The following instructions for the submission, receipt and transmission of petitions to the President are published for general information in supersession of all previous orders on the subject:-

PART I.- PRELIMINARY

1. Definitions.- In these instructions:-

(1) (2)

"Provincial Government" includes the authorities mentioned in the Schedule to these instructions; and "Petition" includes memorials, letters and applications of the nature of petitions.

2. Scope of instructions:-

(1)

(2)

Save as hereinafter provided, these instructions shall apply so far as may be, to all petitions addressed to the President by persons who are, or have been, members of an All Pakistan Service or of a Civil Service of the Centre or who hold, or have held, a civil post in connection with the affairs of the Centre or a civil post where appointment is made by or with the approval of the President, in respect of matters arising out of such employment or in respect of termination of such employment.

Notwithstanding anything contained in clause (1), the instructions shall not apply to persons who are, or have been, civilian employees in the Defence Services, nor shall they affect any rules or orders made by competent authority in respect of representations submitted by recognized associations of Government servants.

PART II.- FORMS AND MANNER OF SUBMISSION OF

PETITIONS

3. Form of Petition.-

(1) (2)

(3)

A petition may be either in typescript or in print.

Every petition shall be authenticated by the signature of petitioner, and submitted by the Petitioner in his own behalf.

Every petition, and the document accompanying it, shall be in English or accompanied by a translation into English.

4. Contents of Petition.- Every petition shall -

(1)

(2) (3)

(4)

contain all material statements and arguments relied upon by the petitioner;

be complete in itself;

if any recorded order of a public authority is complained against, be accompanied by a copy of the order and by a copy of any order in that case passed by a subordinate authority; and

end with a specific prayer.

5. Method of submission.- (1) Every petition shall be submitted through -

(a)

the Provincial Government mentioned in the Schedule in respect of the petitioner; or

(b) if no Provincial Government is mentioned in the Schedule in respect of the petitioner, the Provincial Government of the Province in which the petitioner is or has last been residing or employed, and shall be accompanied by a letter requesting the Provincial Government to transmit the petition to the President.

(2) If there is no Provincial Government within the meaning of clause (1), the petition shall be submitted to the President direct.

6. (1) Every petition shall be submitted through the superiors under whom the petitioner is serving, or if he has left the service, under whom he last served before leaving.

(2) The superiors, on receipt of any petition submitted through them in accordance with clause (1), shall forward the petition through the proper official channel to the authority provided in paragraph 5.

PART III.- WITHHOLDING OF PETITIONS BY THE PROVINCIAL GOVERNMENTS

7. Circumstances in which Petitions may be withheld.- The Provincial Government may, at discretion, withheld a petition when:- (1) — the petitioner has not complied in full with the provisions of Part II of these instructions;

(2) the petition is illegible or unintelligible or contained language which is, in the opinion of the Provincial Government, disloyal, disrespectful or improper;

(3) a previous petition from the petitioner on the same subject has been disposed of by the President and the petitioner, in the opinion of the Provincial Government, discloses no new facts or circumstances which afford

(4)

(5)

(6)

(7)

(8)

grounds for a reconsideration of the subject;

the petition is a representation against a decision which is declared to be final by any law or statutory rule;

the petition is:-

(a) an application for employment in Government service not made in pursuance of any rule or announcement regarding applications for such employment; or

(b) a request for exemption from the provisions of any law or rule prescribing qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment;

the petition relates to a subject on which the Provincial Government is competent to pass orders, and no application for redress has been made to the Provincial Government by the petitioner;

the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition, and no satisfactory explanation of the delay is given;

the petition is representation against a failure to exercise a_ discretion vested in the Provincial Government:

Provided that no _ petition which is a representation against such failure and is submitted by

(9)

(10)

(11)

an officer appointed by the President or by an Officer appointed substantively to a listed post, shall be withheld;

the petition is a representation against the discharge of a person -

(a) appointed on probation, during such probation;

(b) appointed, otherwise than under contract, to hold a temporary appointment, or the expiration of the period of such appointment; or

(c) engaged under contract, in accordance with the terms of such contract;

the petition is a representation against the reduction to a lower post of a person promoted to a post on probation, during such probation;

the petition is a representation against an order -

(a) from which the petitioner has exercised, or possesses a right of appeal under -

(i) rules or orders regulating his conditions of service; or

(ii) the terms of his contract of service;

(b) passed by any authority in the exercise of appellate or revisional powers conferred by any rule or order regulating his conditions of service or by any term of his contract of service such as

(c)

is referred to in sub-clause (a); or

from which, not being an order of punishment passed by the President on an officer appointed by the President, an appeal is expressly barred by any rule, order or contract such as Is referred to in sub-clause (a);

(12) the petition is a representation relating to:-

(a)

(b)

the application of - (i) rules or orders made by the President; or

(ii) the terms of the contract of service of the petitioner; or

an order of the Provincial Government refusing to grant or to recommend -

(i) | aspecial pension; (it) | a compassionate pension; or

(iii) | any pecuniary or other concession to which the petitioner is not entitled under any law or statutory rule:

Provided that no petition which is representation relating to the application of the rules, orders or terms of the contract of service referred to in sub-clause (a) or to an order referred to in sub-clause (b), and is submitted by an officer appointed by the President or by an officer

appointed substantively to a listed post, shall be withheld;

(13) the petition is submitted, otherwise than in accordance with any rule, order or contract such as is referred to in sub-clause (a) of clause (11) with regard to the prospective claim of the petitioner to pension;

(14) the petition is a representation against the withholding of the petition by an authority competent to do so; []

(15) _ the petition is submitted by a member of an All-Pakistan Service serving in connection with the affairs of a Province, against the orders of the Provincial Governor in matters relating to transfer, promotion etc., on which he is competent to pass orders ‘[;or]

[(16) after examination, in consultation with the “[ ] the Law Division and/or the Ministry of Finance, where necessary, it is unanimously agreed between the Ministry/Division etc., in Provincial Governments and the Establishment Secretary that prayer is not covered by the existing rules/ instructions];

“[(17) _ the petition is a representation relating to the expunction of adverse remarks in the Confidential Report of the person concerned].

8. Petitioner to be informed when petition is withheld.- The Provincial Government shall, when it withholds a petition under paragraph 7, inform the petitioner of the withholding and the reason therefor.

"9. List of petitions withheld.- (1) The Provincial Government

shall send a quarterly return to the President in the months of January, April, July and October each year, specifying all petitions from officers serving under, or under the rule making control of the authority or an authority subordinate thereto withheld under paragraph 7 and the reasons for withholding them.

(2) The President may call for any petition specified in the quarterly return mentioned in clause (1), together with full facts of and all the papers relevant to the case to which the petition relates.

“Or Omitted and added vide Estt.Division Notification No.12/3/57-F1,dated 5-11-1970. “"CPSC" Omitted and added vide Estt. Division Notification No.12/3/57-F1,dated 11-2-1974.

PART IV.- TRANSMISSION OF PETITIONS BY THE PROVINCIAL GOVERNMENT

10. Procedure for Transmission.- The — Provincial Government shall transmit within two months of receipt, all petitions not withheld under paragraph 7, together with a concise statement of facts material thereto, to the Cabinet Secretariat (Establishment Division), Government of Pakistan. The Provincial Governments shall also express its opinion on the petition while transmitting it, unless there are special reasons to the contrary. If, in any case the Provincial Government is unable to transmit the petition with the specified period, a report to that effect, with reasons for the delay and an estimate of any further time required, shall be forthwith submitted to the Cabinet Secretariat (Establishment Division), Government of Pakistan.

11. Submission to the President.- When a petition is transmitted in accordance with paragraph 10 the Cabinet Secretariat (Establishment Division), Government of Pakistan, shall submit the petition and other papers received therewith, together with an expression of its own opinion on the petition, to the President for orders.

12. Notwithstanding anything contained in paragraph 11, if Provincial Government, while transmitting a petition in accordance with paragraph 10, recommends its acceptance and the Cabinet

‘The return will be transmitted to the President's Secretariat (Public). A copy to be endorsed to the Cabinet Secretariat (Establishment Division), Government of Pakistan, Islamabad.

Secretariat (Establishment Division), Government of Pakistan, agrees that the petition should be accepted, that Secretariat shall return the petition to the Provincial Government for issue of an order in accordance with its own and the Provincial Government's agreed

opinion.

SCHEDULE

LIST OF AUTHORITIES INCLUDED IN THE TERM "PROVINCIAL GOVERNMENT"

[See paragraph 1 (1).] 1. The Provincial Governments.

2. Secretaries of Ministries/Divisions under the Government of Pakistan or Joint Secretary where there is no Secretary.

3. Heads of departments of the status of Secretary to the Government of Pakistan, in respect of the non-gazetted staff working under their administrative control.

[Authority.- Estt. Division Notification No. S.R.O. 1313 (K)/67, dated 27-7-1967]. Estt. Division Endorsement No. 12/3/57-F.1, dated 27-7-1967].

Determination of the “Appellate Authority’ in terms of the Civil Servants (Appeal) Rules, 1977

SI. No. 3

It has been observed that Ministries/Divisions/Departments do not generally follow the prescribed procedure regarding submission of appeals/petitions to the Establishment Division, for obtaining orders of the Prime Minister or the President, as the case may be in terms of Civil Servants (Appeal) Rules, 1977 read with rule 15-A of Rules of Business, 1973. In a number of cases the appeals/petitions processed by the respective Ministries/ Divisions etc have been found to have not been addressed to the proper appellate authority. In such

a case, to avoid delay, the receiving authority, should withhold the appeal and simultaneously inform the appellant to re-submit the same duly addressed to the proper Appellate Authority to be indicated as required under rule 7 of the said rules. The case relating to an appeal should invariably be submitted to the Establishment Division in the form of a Summary titled as "Summary titled as "Summary for the Prime Minister" seeking orders of the President where the President is an Appellate Authority alongwith the appeal (in original) with parawise comments to be given in juxta position in the form of a statement as indicated therein (Annexure).

2. In this connection, it may be pointed out that an appeal from a civil servant in BPS-17 and above against imposition of any minor penalty, as prescribed in rule 4(i) (b) of Government Servants (E&D) Rules, 1973, by an authorised Officer or a major penalty by the authority i.e. the Prime Minister under rule 4(1)(a) shall lie to the President, in his capacity as the appellate authority, and shall be processed in accordance with rule 15-A of the Rules of Business, 1973.

3. All Ministries/Divisions/Provincial Governments are requested to bring the said position to the notice of all concerned for their information and guidance.

[Authority.- Estt. Division O.M.No.5/4/94-Rev./D.3, dated 17-3-1997]. Annexure

PARAWISE COMMENTS ON THE APPEAL SUBMITTED BY seeicbegetduotvensanienaseh (NAME, DESIGNATION, OFFICE, BPS), AGAINST MINOR/MAJOR PENALTY OF.............

Sl. Contention of the accused Comments of the Ministry/ Comments to be offered No. (Relevant paras in appeal Division/Department by Establishment

to be reproduced Division

Petitions not to be transmitted to the President

SI. No. 4

Instances have come to notice in which petitions which do not either conforming to the provisions of Part Il of the Petition Instructions or which do not lie under rule 7, and should be withheld, are often transmitted to the Establishment Division for submission to the President. In such cases a Ministry/Division concerned is advised to withhold the petition and inform the petitioner accordingly. This creates an anomalous position in that the discretion to withhold a petition rests with the Provincial Government as defined in the Petition Instructions and once a petition has been transmitted to the Establishment Division that discretion has been exercised and it should be submitted for the orders of the President which may not be justified in the circumstances of the case.

2. All Ministries/Divisions are, therefore, requested to exercise greatest care to see whether in any case a petition to the President is or not and only such petitions should be transmitted to the Establishment Division

as strictly conform to the provision of Petition Instructions and should not be withheld under rule 7, ibid.

[Authority.- Estt. Division O.M. No.1/5/64-D.II, dated 7-8-1974].

SI. No. 5

General Instructions regarding Appeals/Petitions representations on service matters submitted by the civil servants.- It has been observed that the Civil Servants have been sending their appeals/petitions/representations without regard to the prescribed

channel of communication to authorities other than the authorities designated in various rules' for this purpose. Such appeals/representations on the one hand create avoidable work load for the authorities to whom these are addressed and on the other delay the redressal of the grievances of concerned officials. This course of action is also a violation of the Government Servants (Conduct) Rules, 1964. In order to ensure speedy redressal of their grievances and to maintain the sanctity of the rules. It is imperative that the civil servants address their appeals/ representations etc. to the authorities designated in the rules with due regard to the prescribed channels of communication.

2. Instructions issued from time to time indicating authorities for submission of appeals/representations/petitions and their mode of submission etc. are given below -

(a) | APPEAL (Civil Servants/Appeals) Rules, 1977.- A Civil servant is entitled to appeal to the appropriate appellate authority. In terms of Civil Servants (Appeal) Rules, 1977, through proper channel within a period of thirty days of the communication of the order passed by an authority or an authorised officer imposing upon him any of penalty under Government Servants (E&D) Rules, 1973 or otherwise as provided in Rule 4 of the Appeal Rules. In case the penalty is imposed by an order of the President, the civil servant has no right to appeal but he may apply, through proper channel, for review of the order;

(b) REPRESENTATION (Section 22 of the Civil Servants Act, 1973).- Where no provision for appeal or review exists under the rules, in respect of any order or class of orders, a civil servant aggrieved by any such order, may within thirty days of communication to him of such

(C)

(d) 3.

order, make a representation against it, through proper channel, to the Authority next above the authority which made the order provided that no such representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

PETITION, (Petition Instructions).- A civil servant may also submit a petition which includes memorials, letters, and application of the nature of the petitions to the President in accordance with the instructions contained in Notification No. SRO. 1313(k)/67, dated 27.7.1987.

GENERAL INSTRUCTIONS.

In addition to the above laws and rules/instructions, the

following general guidelines are issued for compliance by all civil

servants:-

(i)

(ii)

(ii)

All civil servants should refrain from sending advance copies of their appeals/petitions/ representations, direct to higher authorities and that appeal/petitions/representations should be addressed only to the prescribed authority and submitted through proper channel;

The appeal/petition/representation should be in their own behalf only and that joint representation by Government servants shall not be entertainable under the Rules;

The civil servants should discourage their wives/wards

and relations to address the petitions/ applications in respect of service matter on their behalf;

(iv) | The civil servants should refrain from using intemperate and in-appropriate language in their petitions/representations etc. as use of such language constitutes misconduct and order them liable to disciplinary action against them;

(v) The Civil Servants Act, 1973 as well as Civil Servants (Appeal) Rules, 1977 and the instructions issued on the subject from time to time envisage only one appeal/petition/representation etc. from a civil servant in respect of particular order by which he is aggrieved. Once an appeal or representation etc is rejected by the competent authority, the civil servant can go to Federal Service Tribunal but he has no right under these rules to submit further appeal/petition/ representation/application or a service of it to the appellate authorities; and

(vi) Each representation appeal petition etc. should be accompanied by a prescribed proforma (Annexure) duly completed by the civil servant, making the representation/appeal/petition. This will enable the competent authority to properly attend to and finalize the matter quickly. In cases where the competent authority has already rejected the first appeal/petition/representation on the subject case, the second or subsequent appeal/petition/ representation need not necessarily be replied to;

3. All Ministries/Divisions/Departments etc. are requested to circulate these instructions to all concerned for their guidance/ strict

compliance.

4. The Secretary/Head of the Departments are also requested to devise an appropriate mechanism to ensure and monitor expeditious disposal of representations/appeals/petitions of civil servants to eliminate the root-cause of each appeal. This will also enable the officials to devote their assignments besides effecting economy in public expense on account of available litigations.

[Authority.- Estt. Division letter No.5/4/94-Rev.D.3, dated 21-6-1997].

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10.

141.

12.

Annexure PROFORMA

Name of the Ministry/Department/Office.

Name of the applicant.

Designation and grade of the applicant.

Number and date of the order against which aggrieved.

Brief subject matter of the order giving to the applicant's grievances.

Date on which the first appeal/application for review or representation was filed.

Particulars of the authority to which the first appeal, application for review or representation mentioned in column 6 was addressed.

Whether any reply to the appeal, review application or representation mentioned in column 6 has been received. If so, on what date?

Number of appeals,

review applications, or (i) Appeal)in representations (it) Application for _)red submitted subsequent review)ink to the one mentioned (iii) Representation)

in column 6 and the

date on which these were

submitted.

Authority to which the appeals, review applications or representations mentioned in column 9 were submitted. Whether any reply to appeal, application for review or representation mentioned in column 9 was received. If so, indicate the date or dates.

Date of present appeal/review/application/representation.

SI. No. 6

Bar against making joint representations.- According to the existing instructions a petition, memorial or a representation should be submitted by a Government servant in his own behalf only. An implication of these instructions is that joint representations cannot be made to the Government. It has been observed that some Government servants have submitted representations in contravention of the spirit of these instructions in that they have individually signed copies of petitions containing the same text. Government is of the view that although these petitions are signed and sent separately, they are in effect tantamount to joint representations. No action can, therefore, be taken on such representations.

2. The correct procedure is that if any category of Government servants have a grievance of a common nature, they should bring the matter to the notice of the head of the Department concerned so that he may take such action as may be necessary in the circumstances of the case.

3. Ministries/Divisions are requested to advise officers and members of the staff under their control to Keep these instructions in mind while making representations in respect of a common grievance. As joint representations are not permitted, a breach of these instructions will amount to an act of indiscipline.

[Authority.- Estt. Division O.M.No.3/1/67-D.Il, dated 18-2-1967].

SI. No. 7

Appeals/Petitions/Representations by the civil servants addressed to the Prime Minister.- The Prime Minister's Secretariat have pointed out that disciplinary action has been initiated and

explanations have been called for in respect of officials whose applications were forwarded by that Secretariat to different Ministries and agencies for consideration and redressal. While this may well be within the existing rules, it is not in harmony with demands of a democratic order as it infringes upon the privilege of Prime Minister's Secretariat to forward grievances and requests to the concerned quarters for action and redressal under the directives of the Prime Minister as, indeed, it takes away from the civil servants an opportunity of access to the Chief Executive of the country through the quickest means possible.

2. It is, therefore, advised that steps may please be taken whereby officials whose cases are referred for redressal by Prime Minister's Secretariat are not victimized and harassed on that account.

[Authority.- Estt. Division O.M.No.6/3/89-D.3, dated 12-10-1989].

SI. No. 8

Disposal of appeals/petitions of Section Officers.- The Ministries/Divisions are requested that they should themselves examine the appeals/petitions of Section Officers posted therein and should try to redress their grievances promptly. It will be appreciated if in future only those appeals/petitions are referred to the Establishment Division which merit consideration by this Division.

[Authority.- Estt. Division O.M. No. 1/6/85-OMGz1 dated 6-10-1985].

SI. No. 9

Defence of cases before Service Tribunals and Law Courts by Ministries/Divisions.- The following guidelines and instructions are to

be observed by the Ministries/Divisions/Attached Departments in regard to Appeals/Writ Petitions/Suits preferred by the aggrieved Civil Servants before Service Tribunals, High Courts and Civil Law Courts against final orders effecting the terms and conditions of service, including cases where penalty has been awarded under the Government Servants (Efficiency and Discipline) Rules:-

i) After the promulgation of the Tribunal Act, 1973, the jurisdiction in all matters pertaining to the terms and conditions of the Civil Servants, including orders passed under Government Servants (Efficiency and Discipline) Rules rest with the Tribunal and to that extent the jurisdiction of the High Courts and the Civil Courts has been ousted. In cases where Writ Petitions/Civil Suits are filed they should be contested on the point of Jurisdiction.

il) In appeals/Writ Petitions/Civil Suits against orders passed by the Ministries/Divisions, the responsibility of defending such cases is of the Ministry/Division/Attached Department concerned. However, in view of the fact that Establishment Division is made proforma party in most of the cases, the cases are referred routinely to this Division which results in loss of time. It is clarified that where the final orders have been passed by the Ministry/Division other than the Establishment Division no reference should be made to the Establishment unless there is a specific point of reference, in which case the issue should be clearly specified and necessary papers supplied as annexure in a self contained reference. It would not be possible for the Establishment Division to respond to general queries or a general request for advice in such cases.

iil) In cases where the Ministries/Divisions are the principal respondent, arrangement for submission of parawise comments well in time and appointment of counsels to defend the case should be made in consultation with the Law Division. The Federal Service Tribunal is presently not happy about the delays in filing parawise comments and the proper defence of the cases before them by the Ministries/ Divisions.

iv) In defending the appeals, before the Service Tribunals, the question of limitation should be carefully examined, and the appeals contested on this ground where appeals are time barred.

v) | The Ministries/Divisions are also required to examine those cases which are decided against the Government by the Service Tribunal in their capacity as the main respondent, with a view to filing an appeal before the Supreme Court in consultation with the Law Division directly. Such cases need not to be referred to this Division for examination.

[Authority.- Estt. Division O.M. No. 14/5/80-Lit.Misc., dated 7-3-1982].

Notes.- For detailed instructions regarding the conduct of cases of the Federal Government in Courts (including service appeals before the Service Tribunals) please see Appendix *F' of the Secretariat Instructions (1996 edition).

CHAPTER XiIl1

MERGER OF SERVICES/ CADRES INTO A UNIFIED GRADED STRUCTURE

MERGER OF SERVICES/CADRES INTO A UNIFIED

SI. No. 1

GRADED STRUCTURE

The Government have taken the following decisions:-

(a)

(b)

(C)

(d)

All the services and cadres would be merged into a single unified graded structure with equality of opportunity for all who enter the service at any stage based on the required professional and_ specialized competence necessary for each job.

All “classes' among Government servants would be abolished and replaced by a single unified graded structure, a Peon or equivalent at the bottom, a Secretary or Departmental Head at the top. The existing classification of dividing the services into Class | to Class IV would no longer operate. The road upwards to the very top to be open to all on merit and required educational and professional qualifications.

The use of ‘service’ labels would’ be discontinued forthwith.

The Unified Structure would be designed to provide for entitlement to promotions to the higher posts throughout the range of public service; for horizontal movement from one cadre to another including the movement of technical personnel to the cadre of general management

carrying posts of an executive nature; there would also be scope for out of turn promotion to the exceptionally meritorious officers.

(e) The correct grading of each post would be determined by job evaluation, job description, professionalism and specialization.

(f) With the merger of all classes and services into a single Unified Graded Structure, the various functional and professional services will become branches of a single service.

(g) There would be provision that Government may take talented officers from the private sector such as banking, insurance, industry and trade as well as from other professions for jobs at the appropriate levels in the Central and Provincial Secretariats and Departments as well as Government sponsored corporations, autonomous and semi-autonomous bodies.

2. These orders are being put into operation with immediate effect. Each post would be appropriately graded taking into account the duties and responsibilities attached to the post. This would involve a detailed exercise. It has been decided that this exercise will be done by the Establishment Division in consultation with the Ministries and other organizations and the Provincial Governments. For this purpose a special cell has been created in the Establishment Division called the Administrative Reforms Cell. The Establishment Secretary will be incharge of this Cell and he will be assisted by an officer of the rank of Joint Secretary. The Joint Secretary will be visiting the Ministries and Provinces for the implementation of Government decisions and will hold discussions at the appropriate

levels, if necessary. Before finalizing, the Establishment Secretary will hold discussions with the Secretaries of the Ministries concerned. Thereafter orders of the Prime Minister will be obtained wherever necessary. For Services and Cadres for which the Establishment Division is responsible the necessary action will be initiated by the Establishment Division.

3. As there will be one Unified Cadre for posts included in the All Pakistan Services, the CSP Composition and Cadre Rules have been suitably amended.

4. As under the new Constitution, Government is committed to enact a law to govern the terms and conditions of Government servants, an Ordinance has been issued by the President on this subject.

5. The present Efficiency and Disciplinary Rules are extremely cumbersome and dilatory in their operation. These Rules have also been revised on the recommendations of the Administrative Reforms Committee.

6. It is provided in the Constitution that suitable laws will be issued on the functions of the Public Service Commission.

[Authority.- Estt. Secretary's D.O.Letter No.1/1/73-ARC, dated 21-8-1973].

SI. No. 2

Discontinuance of the use of service labels on the name plates etc. of the officers.- The Prime Minister in his address to the nation on Administrative Reforms on the 20th August, 1973, announced that the use of ‘service labels' should be discontinued forthwith. All Ministries and Divisions are requested to ensure strict compliance with this

decision within the Ministries/Divisions and _ their Attached Departments and Subordinate Offices. Use of service labels on name plates whether at office or residence of officers or on visiting cards should be discontinued forthwith.

[Authority.- Estt. Division Letter No.1/2/73-ARC, dated 24-8-1973]. SI. No. 3

Instances have come to notice where abbreviations like D.M.G., T.A.G., etc., have been used in Gazette notifications

‘Note.-Civil Servants Ordinance 1973 (Ordinance No. XIV of 1973) replaced by Civil Servants Act, 1973 (Act No. LXXI of 1973).

and in other official communications after the names and designations of officers belonging to these groups. The abbreviations S.A.S. (Subordinate Accounts Service) has also been used in certain notifications. The use of such abbreviations is against Government instructions on the subject.

2. All Ministries and Divisions are requested to ensure that abbreviations of the above type are not used as they are apt to take the place of former service labels which is against the spirit of the Administrative Reforms.

[Authority.- Estt. Division O.M. No. 1/2/73-ARC, dated 26-1-1977].

SI. No. 4

Notification of appointments in Grade 16 and above.- The classification of posts into gazetted and non-gazetted has also been abolished. However, the practice of notifying all appointments to Grade 16 and above in the Gazette will continue to be followed.

[Authority.- Para 2 of Estt. Secretary's d.o.letter No.1/1/73-ARC, dated 10-11-1973].

SI. No. 5

Discontinuance of the practice of notifying appointments in terms of Grades.- Attention is invited to the Finance Division O.M. No. \()imp/83, dated 18-8-1983 laying down a scheme of basic pay scales and fringe benefits for the civil employees of the Federal Government as shown in the schedule to that O.M. It is laid down in the aforesaid O.M. that basic scales shall not be regarded as ‘grades’ and shall not be referred to as ‘grades’ in official communications and that the officials shall henceforth be appointed/promoted to posts and not in grades.

2. In pursuance of the aforesaid decisions, necessary amendments to the Civil Servants Act, 1973 and the rules made thereunder have been carried out replacing references to ‘grades' by corresponding basic pay scales.

3. It is requested that in future all the notifications and orders relating to initial appointment, appointment by promotion or by transfer and other appointments like ad hoc appointments should invariably mention

appointments to posts and not to grades.

[Authority.- Estt. Division O.M. No. 3/11/83-R2(Pt), dated 15-4-1984].

All Pakistan Services (Change in Nomenclature) Rules, 1973

SI. No. 6 In exercise of the powers conferred by section 25 of the Civil Servants Ordinance, 1973 (XIV of 1973), the President is pleased to

make the following rules:-

(1) These rules may be called the All-Pakistan Services

(2)

(3)

(4)

(Change in Nomenclature) Rules, 1973, and shall come into force at once.

These rules apply to all members of the Civil Service of Pakistan and the Police Service of Pakistan.

Notwithstanding anything contained in any rule, order, resolution or instruction, the names of the Civil Service of Pakistan and the Police Service of Pakistan are, with immediate effect, changed to All-Pakistan Unified Grades and all references to Civil Service of Pakistan and Police Service of Pakistan in any rule, order, resolution or instruction shall be construed as references to All-Pakistan Unified Grades.

All persons who, immediately before the coming into force of these rules, were members of the Civil Service of Pakistan or the Police Service of Pakistan are appointed, in their existing posts, to All Pakistan Unified Grades.

[Authority.- Estt. Division Notification No. S.R.O. 1307(1)/73, dated 14-9-1973].

Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1973

SI. No. 7

The rules (Annexure) provide that all Federal Services and posts, other than those included in All-Pakistan Unified Grades, shall be called Federal Unified Grades. There shall thus be three Unified Grades namely:

(1) All-Pakistan Unified Grades. (2) Federal Unified Grades. (3) Provincial Unified Grades.

The Provincial Governments are being requested to issue similar orders to designate the services and posts under them as Provincial Unified Grades.

2. Attention in particular is invited to rule 8 of the Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1973 whereby all reservations of posts for purposes of appointment, promotion or transfer in favour of persons belonging to a particular service or cadre or a particular post have been abolished. The intention of this rule is that no individual Government servant should claim promotion or appointment to a particular post as a matter of right on the basis of provisions in existing recruitment rules or other instructions. Action is in hand to frame fresh rules in the light of Administrative Reforms. For example, certain rules for posts in All-Pakistan Unified Grades have already been issued in S.R.O. 1238(I)/73 (SI.No.10), dated the 21st August, 1973. In other cases, discussions are in progress with Ministries and Divisions concerned. However, in order not to create a vacuum, the existing quotas for promotion and direct recruitment for various posts may continue to be observed until further orders.

[Authority.- Paras 3&4 of Estt. Division D.O. letter No. 1/1/73-ARC, dated 10-11-1973].

ANNEXURE

Copy of Establishment Division, Notification No. S.R.0.1530(I)/73, dated the 3rd November, 1973.

In exercise of the powers conferred by Section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make

the following rules:-

1. (1) These rules may be called the Civil Servants (Change in Nomenclature of Services and abolition of Classes) Rules, 1973.

(2) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context, -

(1) ‘Classes' means Class |, Class Il, Class Il (non-Gazetted) Class III and Class IV, in which the civil posts and services are classified under the Civil Services (Classification, Control and Appeal) Rules or any other rules or orders for the time being in force;

(2) ‘Federal Unified Grades' comprise all services and civil posts connected with the affairs of the Federation other than those included in the All-Pakistan Unified Grades under the All-Pakistan Services (Change in Nomenclature) Rules, 1973;

(3) Grade’ means a National Scale of Pay in which a post or group of posts is placed;

(4) *Services' means the civil services of the Federation.

3. Notwithstanding anything contained in any rule, order,

“Pl. see also Civil Servants (Amendment) Ordinance, 1984.

resolution or instruction, the names of services are, with immediate effect, changed to Federal Unified Grades and all references to a

service in any rule, order, resolution or instruction shall, consistent with the subject and context, be construed as reference to the respective Federal Unified Grade.

Explanation.- For the purposes of this rule and rule 5, ‘respective Federal Unified Grade’ means the Grade to which a civil servant is entitled in respect of his existing post under the National Scales of pay.

4. All civil posts connected with the affairs of the Federation, not being posts in the All-Pakistan Unified Grades, shall belong to one of the Federal Unified Grades.

5. All persons who immediately before the coming into force of these rules were members of a Service or held a civil post connected with the affairs of the Federation, not being a post in the All-Pakistan Unified Grades, are appointed in their existing posts to the respective Federal Unified Grades.

6. Notwithstanding anything contained in the Civil Services (Classification, Control and Appeal), Rules and any other rules or orders for the time being in force, all classes and classifications of services and posts as gazetted and non-gazetted are abolished.

7. For the purposes of applications of any existing rule, order or instruction, reference to a class or to a post as gazetted or non-gazetted shall be construed as reference to the corresponding "Grade as specified in the table below:-

Class - Gazetted posts | Corresponding Grades

(1) Class |... (1) Grade 17 to 23. (2) Class Il .... (2) Grade 16.

“The word ‘Grade’ wherever appeared in the present context may be construed to have been amended as basic pay scale.

Non-Gazetted posts

(3) Class Il .... (3) Grades 11 to 15. (4) Class IIl........... (4) Grades 3 to 10. (5) Class IV..........0 (5) Grades 1 and 2.

8. Notwithstanding anything contained in any rule, order or instruction, all reservations or posts for purposes of appointment, promotion or transfer in favour of persons belonging to a particular service or cadre, or holding a particular post, are abolished.

[Authority.- Estt. Division D.O. Letter No. 5/1/73-ARC.II, dated 30-10-1973].

Civil Service of Pakistan (Composition and Cadre) Rules, 1954

SI. No. 8

WHEREAS the Governor-General and the Governors of East Bengal, the Punjab, Sindh and the North-West Frontier Province have agreed that there shall be constituted a Service of the Federation to be known as the Civil Service of Pakistan and that certain posts in connection with the affairs of the Provinces shall be filled by members of that Service and specify, as far as need be, the conditions of service of its members, whether serving in posts in connection with the affairs of the Federation or of a Province:

Now, THEREFORE, in pursuance of that agreement and in exercise of the powers conferred by sub-sections (1) and (2) of

section 241 of the Government of India Act, 1935, and of all other provisions empowering him in this behalf, the Governor-General is pleased to make the following Rules:-

1. These Rules may be cited as the Civil Service of Pakistan (Composition and Cadre) Rules, 1954. 2. In these Rules, unless the context otherwise requires:

(a) "Cadre post" means any duty post included in the Schedule.

(b) “Commission” means the [Federal Public Service Commission];

(c) "Schedule" means the Schedule to these Rules; (d) "Service" means the Civil Service of Pakistan.

“13. (1) Appointments to the Cadre posts shall be made by the President in accordance with rules to be made by him for the purpose.

(2) Every person, not being a member of the Service, who is appointed to a Cadre post in accordance with the rules regulating such appointment shall, -

(a) on his appointment to that post, become a member of the Service; and

(b) on his confirmation in the Service, cease to be a member of the Service, if any, to which he belonged immediately before such confirmation].

4. Persons appointed to the Service shall, unless the [President] otherwise directs, be appointed on probation and the [President] may make rules specifying the terms and incidents of such probation. In particular, he may provide for the removal from the Service during his term of probation of any person whose conduct and progress is unsatisfactory or for the withholding of increments from such persons.

“Subs for "Pakistan Public Service Commission" vide Estt. Division Notification No. S.R.O. 1237(I)/73, dated 21-8-1973.

“Subs ibid, for Rule 3.

™Subs ibid, for "Governor General"

5-7]

8. (1) The “[President], in the case of posts in connection with the affairs of the Federation, and the Governor in the case of posts in connection with the affairs of a Province, may, as the exigencies of the public service require, appoint a person not being a member of the Service to any Cadre post.

(2) Every such appointment made by a Governor shall be provisional and, if the person so appointed is intended to hold the appointment, for a period exceeding 3 months, shall forthwith be reported to the “[President] with the reasons for making it and if the “[President] so directs the Governor shall thereupon cancel the appointment.

(3) Any person appointed to hold a Cadre post under this rule shall not be employed in the post for a period exceeding 12 months save with the previous sanction of the “ [President].

9. (1) If a Governor proposes to keep any Cadre post in connection with the affairs of a Province vacant for a period exceeding 3 months, he shall forthwith make a report to the [President] of the

reasons for the proposal, the period for which he proposes to keep the post vacant and whether it is proposed to make any and, if so, what arrangements for the performance of the duties of the post held in abeyance.

(2) If the “[President] directs that the post shall be filled, the Governor shall appoint a person to fill it in accordance with the provisions of these rules.

10. The “[President] may by special or general order temporarily dispense with the provisions of rules 8 and 9 requiring a Governor to report to the “[President] any case in which a Cadre post is filled otherwise than under rule 7 by a person not being a member of the Service or in which a Cadre post is kept vacant for a period exceeding 3 months.

“Rules 5 to 7 omitted, ibid “Subs ibid, for "Governor General”

11. The Governor of a Province may direct that two Cadre posts in connection with the affairs of a Province shall be held jointly if he considers this necessary for the purpose of facilitating any leave arrangement or for a period not exceeding 3 months if he considers this necessary for any other purpose.

12. No change shall be made in the duties of the holder of any reserved post if, in the opinion of the [President], the character of that post would thereby be altered:

Provided that this shall not apply to a temporary change consequential on leave arrangements or to a change not arising from leave arrangements which will not last more than three months.

13. (1) The ‘[President] may from time to time, and in the case of posts in connection with the affairs of a Province, after consultation with the Governor of that Province, remove any post from the

Schedule or include any post therein.

“[(2) A Governor may, if the exigencies of the public service so require, create a cadre post in connection with the affairs of a Province below the rank of a Commissioner of a Division, for a period not exceeding three months. If subsequently the Governor proposes to retain that cadre post for a further period, he shall forthwith make a report to the [President] of the reasons for the proposal and the period for which he proposes to retain that post and shall act in accordance with such directions as the [President] may give].

14. An officer belonging to the Service shall be liable to serve

kK

anywhere in Pakistan under the [Federal Government] and

“Subs ibid, for "Governor General”.

“Added vide Estt. Division Notification No. S.R.O. 830(K), dated 7-7-1960.

™Subs for "Central Government" vide Estt. Division Notification No. S.R.O. 1237(1)/73, dated 21-8-1973.

may be deputed by that Government to serve under a Provincial Government. He shall submit himself to the orders of the Government under which he is serving for the time being and of all the officers and authorities under whom he may from time to time be placed by that Government. His whole time shall be at the disposal of the Government under which he is serving.

15. The transfer of an officer belonging to the Service from one Province to another or from the Centre to a Province or from a Province to the Centre shall be made by the [Federal Government] in consultation with the Provincial Government or Governments concerned.

16. The "[President] may by rules provide for the conduct and

discipline of officers of the Service, and officers of the Service shall at all times obey such rules, and shall perform such duties as may be assigned to them.

17. Subject to the provisions of section 10 of the Indian Independence Act, 1947, the "[President] may frame rules regulating the remuneration and other conditions of service of officers of the Service.

[Authority.- Estt. Division Notification No. F.25/12/51-SEl, dated 1-6-1954]. ™ Schedule of Cadre strength of the Civil Service of Pakistan

FEDERAL GOVERNMENT

Superior posts

All posts of Deputy Secretary under the Federal Government and all posts of and above the rank of Joint Secretary under the Federal Government or borne on the strength of a Corporation set up or established by, or an organization or an establishment subordinate to, the Federal Government.

"Subs for "Central Government" vide Estt. Division Notification No.S.R.O.1237(I)/73, dated 21-8-1973.

"Subs ibid, for "Governor General".

™Subs vide Estt. Division Notification No.S.R.O. 1237(I)/73, dated 21-8-1973.

BALOCHISTAN

Superior posts of Commissioner's

level and abOVE..........::::e Chief Secretary.............00 Member, Board of Revenue........... Revenue Commissionev..............- Home Secretary.........::e Commissioner, Planning and Development.

PRPRPRPP UW

Superior posts of senior scale level.. JUNIOF DOSS issisrceidaciesioncouts

SINDH

Superior posts of Commissioner's level and

Chief Secretary................

Member, Board of Revenue........... Additional Member, Board of Revenue.. DOCIOLANY veces tiecsdeeodenie

Revenue Commissionet..............

Land Commissionet..............05. Commissioner, Social Security Institution.

Superior posts of senior scale level.. JUNIOF POSTS sc secnrerteetneern

PUNJAB

Superior posts of Commissioner's level and

Chief Secretary................. Additional Chief Secretary......... Additional Chief Land Commissioner. Member, Board of Revenue........... Land Commissionet................ Divisional Commissionet............ SECTCIANY: .nsikcbagies:

Superior posts of senior scale level.. JUNMIOF POStS ziscssavicrcacevsecntes

PRPRONRPFE

N.W.F.P.

Superior posts of Commissioner's level and

GDOVE Hi rccccscwsatrevenrtiatesscayaiel Chief Secretary...........::06: 1 Development Commissionev........... 1 Divisional Commissionet............ 3 Member Board of Revenue............ 1 DECKCIANY sc cael ea ees 2Z Senior posts of senior scale level... 32 Junior POSts.........:cceeeeeeeeees 15 SI. No. 9

Under Rule 5 (1) of rules promulgated vide S.R.O. 1238 (I)/73, dated the 21st August, 1973, the President is pleased to approve the appointment of all Government servants who were holding a cadre post on the 21st August, 1973, to All-Pakistan Unified Grades.

[Authority.- Estt. Division Notification No. 1/1/73-ARC, dated 14-9-1973]. SI. No. 10

In exercise of the powers conferred by rule 3 of the Civil Service of Pakistan (Composition and Cadre) Rules, 1954, the President is pleased to make the following rules:-

1. In these rules, "Cadre post" and "Service" have the same meaning as in the Civil Service of Pakistan (Composition and Cadre) Rules, 1954.

2. Appointments to the Cadre posts may be made at the following stages, namely:-

(i)

(ii)

(iii)

(iv)

(v)

Posts of the rank of Assistant Commissioner or Sub-Divisional Officer and equivalent posts under the Federal Government or a Provincial Government:

Posts of the rank of Deputy Secretary under the Federal Government and equivalent posts under that Government or a Provincial Government;

Posts of the rank of Joint Secretary under the Federal Government and equivalent posts under that Government or a Provincial Government;

Posts of the rank of Additional Secretary under the Federal Government and equivalent posts under that Government or a Provincial Government;

Posts of the rank of Secretary under the Federal Government and equivalent posts under that Government or a Provincial Government.

3. (1) Appointments to the post of Assistant Commissioner or Sub-Divisional Officer or an equivalent post shall be made through competitive examination except that a certain percentage of posts determined by the President may be filled by promotion from lower ranks or through induction of persons from outside Government

service.

(2) Persons serving under the Federal Government or a Provincial Government who have completed service as specified in the second column of the table below shall be eligible for appointment to the post in the first column of the table:

Cadre post of the rank of Deputy Secretary

Cadre post of the rank of Joint Secretary

Cadre post of the rank of Additional

Cadre post of the rank of Secretary

TABLE

8 years service as_ Assistant Commissioner or SDO or in an equivalent post.

15 years service as_ Assistant Commissioner or SDO or in an equivalent or higher post or 5 years service as Deputy Secretary or an equivalent post.

20 years service as_ Assistant Commissioner or SDO or in-= an Secretary equivalent or higher post or 5 years service as Joint Secretary.

23 years service as_ Assistant Commissioner or SDO or in an

equivalent or higher post or 7 years service as Joint Secretary or 2 years service as Additional Secretary.

(3) The President may relax the condition as to the length of

service in suitable cases.

4. A person engaged in a profession or in the service of a private Organisation who possesses such minimum educational qualifications as the President may from time to time determine and has to his credit experience or, as the case may be, length of service comparable with that indicated in rule 3 shall also be eligible for appointment to a Cadre post.

5. (1) Every Government Servant, not being a member of the Service, who is holding a Cadre post, at the commencement of these rules shall, subject to the approval of the President, become a member of the Service.

(2) A Government servant referred to in sub-rule (1) who has not completed one year of service in the Cadre post shall be on probation until he completes one year and one who has been holding the Cadre post for a year or more may, subject to the approval of the President be confirmed in that post.

(3) Upon his confirmation in a Cadre post under sub-rule (2) a Government servant shall-

(a) if he was a member of any service immediately before such confirmation, cease to be such member; and

(b) if he held a lien on any post immediately before such confirmation, cease to hold such lien.

(4) A person confirmed in a Cadre post before the commencement of these rules shall, for the purposes of sub-rule (3), be deemed to have been confirmed, in that post under sub-rule (2) immediately after such commencement].

[Authority.- Estt. Division Notification No. S.R.O.1238(1)/73, dated 21-8-1973].

Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990

SI. No. 11

In exercise of the powers conferred by section 25 of the Civil Servants Act 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:-

“Added vide Estt. Division Notification No.S.R.O. 1308(I)/73, dated 14-9-1973.

1. Short title and commencement.-(1) These rules may be called the Occupational Groups and Services (Probation, Training and Seniority) Rules 1990.

(2) These rules shall take effect from Ist October, 1990.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context:-

i) "Commission" means the Federal Public Service Commission; il) "Examination" includes any exercise approved by the

Government which is intended to test a probationer in a field of training during the training programme;

iil) "Final Passing Out Examination" means the Final Passing Out Examination conducted by _ the Commission or the department concerned after conclusion of specialized training;

iv) "Government" means the Federal Government; v) "Head of training institution" means the head of a

training institution or place where members of an occupational group or service are imparted training;

vi)

vii)

viii)

"Inductee" means a _ person transferred to any occupational group or service by induction from the Armed Forces;

"Initial training" means the training prior to specialized training undertaken by the probationers of any one occupational group or service or jointly by combination of any occupational groups or services at a training institution or place that the Government may specify;

“Occupational group or service" means any group or service recruitment to which is made through the competitive examination conducted by the Commission from time to time against BPS-17 posts under the Federal Government or any occupational group or service transfer to which is made from the Armed Forces by induction and includes the following:-

a) Accounts Group

b) Commerce and Trade Group C) Customs and Excise Group d) District Management Group e) Foreign Service of Pakistan

f) Income Tax Group

Q) Information Group

h) Military Lands and Cantonment Group

i) Office Management Group

j) Police Service of Pakistan

k) Postal Group

I) Railways (Commercial and _ Transportation) Group; and

m) any other service or group which may be notified by the Government as such.

ix) "Probationer" means a person appointed to any occupational group or service on probation and includes an inductee; and

x) "Specialized training" means training subsequent to the initial training undertaken by the probationers of an occupational group or service at a training institution or place that the Government may specify.

3. Training programme and examination.- (1) Every probationer shall undergo training in such training institutions and at such places and for such periods as the Government may specify.

(2) A probationer shall qualify every examination to the satisfaction of the head of the training institution where he is undergoing training.

(3) In addition to 1400 marks of CSS examination, 500 marks shall be allocated for initial training programme, 600 marks for specialized training programme and 1000 marks for the final passing out examination.

(4) Every probationer shall be required to qualify the Final Passing Out Examination in the subjects approved by the Government.

(5) The maximum of 1000 marks allocated for Final Passing Out Examination shall be distributed among the subjects as approved by the Government.

(6) A probationer who fails to qualify in any subject in the Final Passing Out Examination shall be allowed two more chances to appear in the examination to be held subsequently in such subject or subjects.

4. Effect of unsatisfactory completion of training programme.- If on the conclusion of a training programme, the performance or conduct of a probationer is determined by the head of the training institution to be unsatisfactory, the Government may require such probationer to undergo such further training as it deems fit.

(2) If a probationer is prevented by sickness or any other adequate cause from completing a training programme to the satisfaction of the head of the training institution, the Government may require him to undergo such further training as it deems fit.

5. Probationer missing the Final Passing Out Examination.- If after completing his training to the satisfaction of the head of training institution, a probationer is prevented by ill health or other adequate cause from taking, in full or in part, the Final Passing Out Examination, the Government may arrange for him to be examined specially.

6. Probationer failing to qualifying in the Final Passing Out Examination.- (1) A probationer who fails to qualify in the Final Passing Out Examination shall have his increments withheld until such time he qualifies such examination.

(2) A probationer who fails to qualify in the Final Passing Out Examination in three attempts shall be liable to be removed from service.

(3) Absence from the Final Passing Out Examination, without permission of the Government, shall be deemed to be a failure to qualifying in that examination.

7. Seniority.- (1) The seniority of the probationers shall be

determined by the Government after Final Passing Out Examination.

(2) Inductees who join the initial training programme shall be given notional marks in a manner that each inductee has the same marks as the senior most probationer of the occupational group in which the inductee has been inducted.

(3) Inductees who join a specialized training programme directly shall be given notional marks equal to the marks obtained by the senior most probationer of the occupational group including the marks in the initial training programme.

(4) For the purpose of determining the inter-se seniority of the probationers who commence their training with initial training programme the marks obtained by a probationer in the competitive examination of the Commission or his notional marks, as the case may be, shall be added to the marks obtained by him in the initial training programme, specialized training programme and the marks obtained by qualifying the Final Passing Out Examination in his first attempt.

(5) For the purpose of determining the inter-se seniority of the inductees who commence their training with the initial training programme or a specialized training programme, the notional marks given to such an inductee and the marks obtained by him in the initial training programme and specialized training programme, as the case may be, shall be added to the marks obtained by him by qualifying the Final Passing Out Examination in the first attempt.

8. Probation.- The period of probation of a probationer shall be two years or for such period as the Government may extend for successful completion of training programme.

9. Bond.- A probationer shall, before the commencement of

the training, execute a Bond, with a surety, to refund in the event of his failing to complete his training or resigning from his service during the period of training or within three years thereafter, all such amounts paid to him or spent in connection with his training.

10. Penalty.- (1) A probationer who fails to comply with the provisions of these rules, or to obey any orders which he may receive from the Government, or from the Provincial Government under which he is serving, or from the head of institution or from any faculty member of the training institution or an officer under whom he may be receiving field training, or who neglects his probationary studies, or is guilty of conduct unbecoming of an officer shall be liable for removal from service or to such other action as the Government may direct.

(2) Before a probationer is removed from service he shall be given an opportunity to show cause.

11. Over-riding effect.- The provisions of these rules shall have effect notwithstanding anything contained in any other rule or rules for the time being in force with regard to any occupational group or service.

12. Repeal.- The Civil Service of Pakistan (Probation, Training and Seniority) Rules, 1954, are hereby repealed.

[Authority.- Estt. Division Notification No. S.R.O.874(1)90, dated 23-8-1990].

SI. No. 12

Promotion of officers of the All-Pakistan Unified Grades from

Grade 17 to Grade 18.- According to All-Pakistan Unified Grades (Probation, Training and Seniority) Rules, 1954, probation of a probationer appointed to Grade 17 does not terminate unless he has passed the following examinations:

(i) the Academy test;

(ii) an examination held by the FPSC, generally called the Final Passing Out Examination.

The Officers are also required to pass such departmental examinations within 3 years of joining a province by such standards as may be prescribed by the Provincial Government concerned. Failure (i) to pass the

Academy test and the Final Passing Out Examination or (ii) to pass the Final Passing Out Examination in two attempts or (ili) to pass the departmental examinations makes a probationer liable to removal from the service.

2. It has been observed that the Provincial Governments have in the past promoted officers from Grade 17 (then known as junior scale) to Grade 18 (senior scale) without the officers having passed the departmental examinations or the Final Passing Out Examination. Promotion of officers from Grade 17 to Grade 18 without their having fully cleared the Academy test, the Final Passing Out Examination and departmental examinations is irregular.

3. It has, therefore been decided that in future:

(i) an officer of the All-Pakistan Unified Grades in Grade 17 should not be promoted to Grade 18 unless:-

(a) he has completely passed all the examinations prescribed by the All-Pakistan Unified Grades (Probation, Training and Seniority) Rules; and

(b) the probation period has been _ successfully completed and formally terminated.

(ii) the probation period should in future be terminated by issue of a Gazette notification on successful completion of the probation period. This notification will be issued by the Establishment Division in consultation with the Provincial Government concerned.

[Authority.-. Estt. Division Letter No.10/4/73-Cl, dated 29-11-1973 to all Provincial Governments].

SI. No. 13

Creation/abolition of posts of Joint Secretary, Deputy Secretary and Section Officers.- Posts of Secretary, Joint Secretary and Deputy Secretary at the Centre are borne on the C.S.P. Cadre, which is administered by the Establishment Division. It has, however, been noticed that additions to/deletion from this Cadre are made by Ministries without consulting the Establishment Division. It has, therefore, been decided that prior concurrence of the Establishment Division in addition to that of the Ministry of Finance, should invariably be obtained before any additional post is created on the C.S.P. or any existing post is abolished.

[Authority.- Estt. Division O.M. No. 1/9/61-Cl, dated 14-9-1961]. SI. No. 14 The Ministry of Finance are requested that they should

withhold financial approval unless the proposal has first been cleared by the Establishment Division.

[Authority.- Para 4 of Estt. Division O.M.No. 26(1)/ 68-Al(Cl), dated 20-2-1968].

CHAPTER XIV

RULES AND PROCEDURES APPLICABLE TO OCCUPATIONAL GROUPS ( )

RULES AND PROCEDURES APPLICABLE TO OCCUPATIONAL GROUPS

Accounts Group SI. No. 1

Following the introduction of the Administrative Reforms by the Prime Minister on 20th August, 1973 and the abolition of services as a result thereof, the question of formation of new occupational groups to take the place of services has been under consideration of the Government. Necessary information was called for from the Ministries/Divisions and Joint Secretary, Administrative Reforms, had detailed discussions with them. The first Ministry to be taken up was the Ministry of Finance. In respect of the Departments etc. under the Ministry of Finance, the President is now pleased to constitute an occupational group called the Accounts Group which shall comprise all posts in:-

i) the Pakistan Audit and Accounts Department, the Military Accounts Department and the Railway Accounts Department;

“[Gi) the Accounts cadres of the T&T Department, the Pakistan Post Office and the office of the CAO, Ministry of Foreign Affairs and its sub-offices]; and

(iii) all Accounts posts under Ministries/Divisions and Departments of the Federal Government “[other than the posts of Budget and Accounts Officers or Finance and Accounts Officers in the Ministries and Divisions of the Federal Secretariat.]

2. The broad framework of rules and regulations etc. within which the Group will function is outlined below.

‘Subs vide Estt. Division O.M.No.10/22/82-R.2 dated 29-11-82 effective from 1-10-1987. “Subs vide Estt. Division O.M. No. 2/1/75-ARC, dated 3-3-1976.

‘[3. From Grade I to Grade 17.- Each Department will operate separately as heretofore except with regard to Grade 17 posts included in the Inter-Departmental Cadre vide para 4 below. The existing instructions in regard to quotas for direct recruitment and promotion, the composition of promotion and selection committees, the appointing authorities for various grades etc. will continue to apply. All posts to be filled by direct recruitment will be advertised.]

“[4. Inter-Department Cadre.- (a) All posts in Grade 17 which were formerly borne on the cadre of the former Accounts Services and 25% of Grade 17 accounts posts in the T & T Department and Pakistan Post Office Department shall be borne on an Inter-Departmental Cadre. Posts in Grade 17 sanctioned after 20th August, 1973 will be distributed between the Departmental and Inter-Departmental Cadres in the ratio of 3:1. The Cadre shall in addition comprise all posts in Grade 18 and above in the Accounts Group. Officers of the Inter-Departmental Cadre will be transferable from one Department to the other.

(b) Appointments to posts in Grade 17 on the initial formation of the Inter-Departmental Cadre will be made by allocating posts to the promotee

officers and the direct recruits in Grade 17 in the ratio of 50 : 50, on year-to-year basis. Future appointments to Grade 17 posts in the cadre will also be made by allocating vacancies arising in that pay scale to officers of the Departmental Cadre and the direct recruits in the ratio of 50 : 50. The ratio is subject to review after 5 years.

(c) All officers who are holding posts in Grade 18 and above on regular basis shall be deemed to have been appointed to the Inter- Departmental Cadre in their respective Grades.

(d) The number of Grade 17 officers of a department approved for induction in the Inter-Departmental Cadre shall not exceed 50% of the number of Grade 17 posts contributed by that department to the Inter-Departmental Cadre.

“Subs vide Estt. Division O.M.No.2/1/75-ARC, dated 3-3-1976.

(e) The probationer officers recruited on the results of the competitive examination held by the Federal Public Service Commission who, after completion of integrated training at the Academy for Administrative Training, are allocated to the Accounts Group, will undergo common departmental training, to be followed by an examination the details of which will be prepared by the Auditor General. Thereafter, they will be allocated to a particular Accounts Department. They will ordinarily remain in that Department until they get promotion to the next higher Grades].

"[5. Posts in Grade 18 and above will be filled by promotion of officers of the Inter-Departmental Cadre in accordance with the prescribed procedure.]

6. Secretariat Posts.- Officers of Accounts Departments will be eligible for Secretariat posts and will be selected, after written tests and interviews, for posts in Grades 19 and 20, i.e. Deputy Secretary and Joint Secretary. These posts will be in a common pool to which officers of all Federal and Provincial departments will be eligible. Instead of making

selection as and when vacancies occur, panels of officers for appointment to these posts would be prepared after tests as mentioned above. These panels will be prepared twice a year. Those selected for Deputy

Secretary and Joint Secretary's posts would be put through a training programme of 3-4 months. Their final selection would be made after satisfactory completion of training. No posts of the rank of Deputy Secretary and Joint Secretary or equivalent in the Provincial Secretariat or the Federal Secretariat, tenable by officers

of All-Pakistan Unified Grades would be filled except from these panels. (Relaxation will be made with Prime Minister's approval in individual cases).

7. For posts in Grades 21 and 22 i.e. Additional Secretaries and Secretaries and equivalent, the selection would be made from Government servants of Grade 20 and above and also from amongst professionally qualified persons from the private sector.

“Subs vide Estt. Division O.M. No. 2/1/75-ARC, dated 3-3-1976.

8. Lateral entry.- In order to meet shortages of officers in the Accounts Group, or to meet specific requirements, appointments may be made to posts in the Accounts Group in any grade by recruitment through lateral entry of persons engaged in a profession, or in the service of a corporation or private organization, who possess such professional qualifications and experience as the President may from time to time determine. Similarly, officers of the Accounts Group may be posted to appropriate posts in corporations and private organizations under Government management and control.

9. Seniority: (i) Grades 1 to [17] .- “[Save as provided in (ii) below,] separate Department-wise seniority lists would be maintained for all posts in Grade 1 to ‘[17] as hitherto on the basis of continuous regular officiation in the Grade. To meet shortages in a particular grade, and to ensure an even pace of promotion of employees in different Departments, it would be permissible to order transfer from one Department to another.

““[Gi) Grade 17 (Inter-Departmental Cadre).- (a) A separate seniority list will be maintained in respect of Grade 17 officers of the Inter-Departmental Cadre;

(b) The promotee officers adjusted in a particular year will be placed senior to the direct recruits of that year;

(c) The inter-se seniority of direct recruits of a year or batch will be determined on the basis of the order of merit of the Probationers determined at the time of final passing out from the Academy for Administrative Training.

(d) The inter-se seniority of the Departmental officers inducted in the Inter-Departmental Cadre in a particular year shall be determined according to the date of their regular continuous officiation.]

“Added vide Estt. Division O.M. No.2/1/75-ARC, dated 3-3-1976. “Added ibid. “Subs ibid.

(iit) Grade 18 and above.- Seniority will be determined in each grade from the date of regular continuous officiation in the grade.

10. Departmental Examination.- The present departmental examination for promotion to posts in Grade 16 will continue to operate.

11. Provision for accelerated promotion to posts in Grade 17.- To enable bright young persons who have failed to secure through competitive examination conducted by Federal Public Service Commission direct entry to Grade 17 posts, to get another opportunity to compete for these posts, or to get accelerated promotion within the Department, the following two provisions are made:-

(a) They can appear in competitive examination upto the age of 30 years provided they have put in at least 2 years service. At present this relaxation is admissible upto the age of 28 years and is allowed only if one has not previously appeared in the examination. In future two chances will be allowed after one has entered Government service.

(b) There will also be a departmental examination under which departmental candidates can be considered for accelerated promotion in their own department. The upper age limit for this will be “[45] years for the first examination, 40 years for the next examination and 35 years for all subsequent examinations.

The Auditor General will prepare a scheme for the Departmental Examination at (b) above and obtain the approval of the Ministry of Finance and the Establishment Division. Promotion on accelerated basis through the above examination will, subject to availability of suitable departmental candidates, be limited to a

“Added vide Estt. Division O.M.No.2/1/75-ARC, dated 3-3-1976.

maximum of 25% of the total vacancies. “[ ]

‘[12. The Inter-Departmental Cadre will be administered by the Auditor General and the Departmental Cadres by the respective Heads of Department. The Auditor General will prepare and maintain a gradation list of all officers in Grade 17 and above in the Inter-Departmental Cadre while the Departmental Heads will maintain seniority lists of officers and staff in Grade 17 and below in the Departmental Cadres.

13. The other existing arrangements with regard to personnel management of the various Accounts Departments and cadres will continue. The Auditor General, in liaison with the Departments concerned, will be

responsible for the smooth implementation of the instructions. Any major difficulties which may arise will be resolved in a meeting of the Establishment Secretary, the Finance Secretary and Auditor General].

[Authority.- Estt. Division O.M.No.1/2/74-ARC, dated 23-1-1974]. Commerce and Trade Group

Sl. No. 2

In pursuance of the Administrative Reforms, it has been decided to form another occupational group to be called the "Commerce and Trade Group". The Group shall comprise posts in the following Departments and such other posts as may be included in the group from time to time.

(i) Export Promotion Bureau. “(ii) Import and Export (Control) Department. “(iii) Tariff Commission. (iv) Cotton Board. (v) Department of Insurance.

(vi)

“Omitted & Added vide Estt. Division O.M.No.2/1/75-ARC, dated 3-3-1976. “In view of the recent decisions of the Government these departments stands transferred to other Ministries/ Divisions.

(vi) Trade Marks Registry.

2. The Group will be under the administrative control of the Ministry of Commerce and will function within the following framework of rules and procedure.

3. Grades I to 16.- Each Department/ Office will operate separately as hithertofore. The existing instructions in regard to direct recruitment and promotion quotas, the composition of Departmental Promotion and Selection Committees, the Appointing Authorities for various grades etc.

will continue to apply. The provisions of recruitment rules already framed for various categories of posts with the approval of Establishment Division will also continue to apply. All posts to be filled by direct recruitment will be advertised, except posts in Grade 16 which will be reported to the Federal Public Service Commission.

4. Grade 17.- “[Sixty per cent of posts in Grade 17 will be filled through competitive examination to be conducted by the F.P.S.C. and 40% by promotion from amongst the Departmental incumbents holding posts in Grade 11 and above.] After completion of integrated training at the Academy for Administrative Training, the probationer officers allocated to the "Commerce and Trade Group" will undergo common Departmental training to be followed by a departmental examination, the details of which will be worked out by the Secretary, Ministry of Commerce, in consultation with this Division and the Federal Public Service Commission. Thereafter, they will be allocated to a particular Department. They will ordinarily remain in that Department until they get promotion to the higher grade. With the exception of very special cases, there will be no horizontal movement at this stage from one Department to the other.

5. Grade 18 and above.- Posts will be filled by promotion or direct recruitment in accordance with the procedure laid down

‘In view of the recent decisions of the Government these departments stands transferred to other Ministries/ Divisions. “Subs vide Estt. Division O.M. No. 3/3/86-CP-2 dated 8-9-1987.

in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and other instructions issued from time to time or by horizontal movement of suitably qualified and experienced officers from other groups. The officers in all Departments will be administered jointly.

6. Eligibility for posts in the Secretariat.- Officers of Commerce and Trade Group will be eligible for Secretariat posts i.e. Deputy Secretary and Joint Secretary, by horizontal movement, as well as by lateral entry through examination etc.

7. For posts in Grades 21 and 22.- Additional Secretaries and Secretaries and equivalent, the selection would be made from amongst Government servants of Grade 20 and above and also from amongst professionally qualified persons from other occupational groups as well as the private sector.

8. Lateral entry.- In order to meet shortages of officers in the Commerce and Trade Group or to meet specific requirements, appointments may be made to posts in the Group in any grade by recruitment through lateral entry of persons engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time. Similarly, officers of this group may be posted to appropriate posts in corporations and private organizations under Government management and control.

9. Seniority: Grades I to 16.- Separate Department-wise seniority lists would be maintained for all posts in Grades 1 to 16 as hithertofore, on the basis of continuous regular officiation in the grade.

10. Seniority: Grade 17.- All officers of Grade 17 will be borne on the combined seniority list of the "Commerce and Trade Group". The inter-se seniority of direct recruits to Grade 17 will be determined on the basis of marks obtained at the Federal Public Service Commission examination and the assessment during training at the Training Institutes/Academies. Those recruited direct on the basis of interview only shall reckon their seniority from the date of appointment. The seniority of officers promoted to Grade 17 will be determined with reference to the dates of their regular continuous officiation in Grade 17. As for seniority of direct recruits vis-a-vis promoted officers, the direct recruits of a particular year will as a class rank junior to the promoted officers of that year.

11. Seniority: Grade 18 and above. - Seniority will be determined

in each grade from the date of regular continuous officiation in the grade.

12. Officers of other occupational groups working in the Departments referred to in para above. - Such officers of other groups as may be working in posts now borne on the Trade and Commerce Group may be inducted into the Group subject to their option and suitability.

13. Provision for accelerated promotions to posts in Grade 17.- To enable bright young persons who have failed to secure, through competitive examination conducted by the F.P.S.C., direct entry to Grade 17 posts, to get another opportunity to compete for these posts, or to get accelerated promotion within the Department, the following two provisions are made:-

(a) Those of age upto 30 years can appear in the competitive examination conducted by the FPSC provided they have put in at least two years Government service;

(b) There will also be a Departmental Examination under which departmental candidates will be considered for promotion to posts in Grade 17. All officials having a minimum of five years Government service in Grade 11 and above employed in the Ministry of Commerce, its Attached Departments and Subordinate Offices which are included in the Commerce and Trade Group, will be eligible to appear in this Examination provided they are otherwise eligible. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination, and 35 years for all subsequent examinations.

14. The Secretary, Ministry of Commerce will prepare a scheme for the Departmental Examination at (b) above and obtain the approval of Establishment Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 25% of the total vacancies and these promotions will be reckoned against the "[promotion quota].

15. The existing arrangements with regard to _ personnel management of the "Commerce and Trade Group" will continue under the overall supervision of the Ministry of Commerce who will prepare gradation lists of all officers in Grade 17 and above. Each department under the Ministry of Commerce will prepare, issue and maintain seniority lists of Grade 16 and below. The Ministry of Commerce will submit periodical reports to the Establishment Secretary. Any major difficulty which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary and the Secretary, Ministry of Commerce.

[Authority.- Estt. Division O.M. No. 6/2/75-ARC, dated 8-5-1975]. Customs and Excise Group

SI. No. 3

In pursuance of the Administrative Reforms, it has been decided to constitute the "Customs and Excise Group". The group shall comprise all posts in the Customs and Central Excise Department. The overall administration of this group will remain with the Central Board of Revenue under the Ministry of Finance.

"Subs. vide Estt.Division O.M. No.3/3/86-CP.2 dated 8-9-1987.

Tt will function within the following broad framework of rules and regulations.

2. Grade I to Grade 16.- The existing instructions with regard to direct recruitment and promotion quotas, the composition of Departmental Promotion and Selection Committees, the appointing authorities for various

grades, etc., will continue to apply as hithertofore. All posts to be filled by direct recruitment will be advertised except posts in Grade 16 which will be reported to the Federal Public Service Commission.

3. Grade 17.- 75% posts in Grade 17 will be filled through competitive examination conducted by the Federal Public Service Commission and 25% through promotion. After completion of one year's training at the Academy for Administrative Training, the probationer officers allocated to this group will undergo departmental and on-the-job training to be followed by an examination. Officers promoted to Grade 17 may also be required to undergo such departmental training as the Central Board of Revenue may prescribe.

4. The following provisions are being made to enable educationally qualified persons in Grade 16 and below to secure entry in Grade 17:-

(a) They can appear in the competitive examination upto the age of 30 years provided they have put in at least 2 years service. A maximum of two chances will be allowed after one has entered Government service.

(b) There will also be a departmental examination under which departmental candidates can be considered for accelerated promotion in their own department. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination, and 35 years for all subsequent examinations.

The Central Board of Revenue will prepare a scheme for the departmental examination at (b) above and obtain the approval of the Ministry of Finance and Establishment Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 20% of the total vacancies and these promotions will be reckoned against the direct recruitment quota.

5. Grade 18 and above.- The procedure for promotion and other matter; as laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, will be observed subject to the length of service as prescribed in Establishment Division O.M. No. 3/7/74-AR-II, dated the 29th May, 1974, namely:-

For Grade 18........ 5 years service in Grade 17. For Grade 19....... 12 years service in Grade 17 and above. For Grade 20....... 15 years service in Grade 17 and above.

6. Secretariat Posts.- Officers of this group will be also eligible for Secretariat Posts (Deputy Secretary and above) to which appointment is made through examination or by horizontal movement with the approval of the Central Selection Board.

7. Lateral entry.- In order to meet shortages of officers in this Group or to meet specific requirements, appointments may be made to posts in the Group in any Grade by transfer from other Groups, or by recruitment through lateral entry of persons engaged in a profession, or in the service of a corporation or private organisation, who possess such professional qualifications and experience as may be prescribed from time to time. Similarly, officers of this Group may be posted to appropriate posts in corporations under Government management and control.

8. Seniority-(i) Grades 1 to 16.- Seniority lists for all posts in Grades 1 to 16 would be maintained as hithertofore on the basis of continuous regular officiation in the Grade.

(ii) Grade 17.- The inter se seniority of direct recruits to Grade 17 will be determined on the basis of order of merit, of probationers determined at the time of final passing out from the Academy for Administrative Training. The inter se seniority of the promoted officers to

Grade 17 shall be determined according to the date of their regular continuous officiation in Grade 17. Direct recruits of a particular year, however, shall as a batch be placed junior to the officers promoted to Grade 17 in that year.

(iit) Grade 18 and above.- Seniority in each grade will be determined from the date of regular continuous officiation in the grade.

9. The existing arrangement with regard to personnel management of the Customs and Central Excise Department will continue under the overall supervision of the Central Board of Revenue and the Ministry of Finance. The Central Board of Revenue will prepare gradation list of all officers in Grade 16 and above. The lists will be prepared Grade-wise. Each Collector of Customs and Central Excise will prepare, issue and maintain seniority lists of Grade 15 and below.

10. The Central Board of Revenue will submit periodical reports to the Establishment Secretary. Any major difficulty which may arise in the implementation of these instructions will be resolved in a meeting of Establishment Secretary and the Chairman of the Central Board of Revenue.

[Authority.- Estt. Division O.M. No. 5/2/75-ARC, dated 9-5-1975]. District Management Group SI. No. 4

In continuation of Establishment Division Office Memorandum No. 1/2/74-ARC, dated the 23rd January, 1974, regarding the formation of the Accounts Group, it has been decided with Prime Minister's approval to constitute another occupational group called the District Management Group, comprising field posts in the civil administration of the district and the division viz. Commissioner, Deputy Commissioner, Additional Deputy

Commissioner, Assistant Commissioner and such other posts as may be included in the group from time to time.

2. The District Management Group will function within the following framework of rules and procedure. These instructions will apply to members of All Pakistan Unified Grades and to all other Government servants holding the posts specified in the Schedule of Cadre Strength of the Civil Service of Pakistan (now called All-Pakistan Unified Grades).

3. Grades 17-19.- Recruitment to Grade 17 will continue to be made through Federal Public Service Commission as hitherto fore except to the extent the posts have to be filled through promotion. Separate orders in this regard will be issued. After completion of integrated training at the Academy for Administrative Training, the probationer officers allocated to District Management Group will undergo departmental training as hithertofore to be followed by an examination. Promotion to Grades 18 and 19 will be made by the Central Selection Committee as explained in subsequent paragraphs.

4. In view of the importance of the post of Deputy Commissioner which at present is a Grade 18 post carrying special pay, it has been decided as follows:-

(i) The post of Deputy Commissioner would be a selection post and selection will be made from amongst officers having at least 10 years service in Police, Armed Forces, Civil Administration or Military Lands and Cantonments Departments. The selected persons shall be given training in administration and law, if necessary, before posting as Deputy Commissioner.

(ii) To ensure appointments of experienced persons, the post of Deputy Commissioner in major Districts will be placed in Grade 19. As in other groups, for promotion to Grade 19 a

minimum service of 12 years in Grade 17/18 shall be a condition precedent.

5. Grade 20.- Promotion to Grade 20 shall be made by selection from officers of the group who have had at least 15 years of service in Grades 17-19.

6. Secretarial Posts.- As in other occupational groups, officers of this group will be eligible for Secretariat appointments in accordance with the procedure already prescribed. The officers will be selected, after written tests and interviews, for posts of Deputy Secretary and Joint Secretary in the Central Government and equivalent posts in the Provincial Secretariat. These posts will be in a common pool to which officers of all Federal and Provincial Departments will be eligible. Those selected for Deputy Secretary and Joint Secretary or equivalent posts would be put through a training programme of 3-4 months. Their final selection would be made after satisfactory completion of training. No posts of the rank of Deputy Secretary and Joint Secretary in the Federal Secretariat, or their equivalent in the Provincial Secretariats tenable by officers of All-Pakistan Unified Grades would be filled except from these panels. Relaxation will be made with Prime Minister's approval in individual cases.

7. Grades 21-22.- For posts of Additional Secretaries and Secretaries to the Central Government and equivalent posts in the Provincial Governments, selection would be made from Government servants of various occupational groups in Grade 20 and above and also from amongst professionally qualified persons from the private sector.

8. Lateral entry.- To bring in fresh blood and to relieve shortages, if any, at various levels, lateral entry will be resorted to. Lateral entry selections will be made only by the Federal Government.

‘Subs vide Estt. Division O.M. No. 2/2/74-ARC, dated 14-12-1976. This amendment takes effect from the

date of issuance of Estt. Division O.M.No.2/2/74-ARC, dated 23-2-1974.

"9, “Seniority.- (i) Seniority inter-se of direct recruits to Grade 17 appointed in a batch to the District Management Group on the results of the competitive examination held by the F.P.S.C. shall be determined on the basis of the order of merit of the probationers determined at the time of final passing out from the Academy for Administrative Training. Seniority of direct recruits to Grade 17 appointed otherwise than through the competitive examination held by the FPSC shall be determined on the basis of the date of continuous regular officiation in that grade in the District Management Group. If the date of continuous regular officiation is the same, the older in age shall rank senior.

(ii) Seniority in Grade 18 and above shall be determined on the basis of the date of continuous regular officiation in the grade provided that those who are selected for promotion to a higher grade in one batch shall, on their promotion to the higher grade retain their inter se seniority as in the lower grade.

(iii) Gradation list of officers in All-Pakistan Unified Grades would be issued by the Establishment Division periodically."

10. Under Article 240 of the Constitution appointments to and conditions of service of persons in the All-Pakistan Services (now All Pakistan Unified Grades) are to be determined by the Federal Government. The concept of All-Pakistan Services has been retained in the Constitution with a broader national purpose, viz. national integration and cohesion. It is, therefore, emphasized that all matters pertaining to the appointment,

promotion, transfer, etc. of members of the All-Pakistan Unified Grades are the responsibility of Federal Government.

11. In the past substantive appointments to posts in Grade 18 were made on the recommendations of the Federal Public Service Commission by the Federal Government after consulting the Provinces concerned. This procedure was, however, reduced to a mere formality as the Provinces who

were permitted to make officiating appointments on temporary basis continued such appointments without interruption. For appointments to Grades above 18, no reference to Federal Public Service Commission was necessary; in their case recommendations were made by the Provinces to the Federal Government and with their approval promotions were made. While making officiating appointments or making recommendations for promotions, the Provinces usually considered only those Government servants who were working within their jurisdiction. The cases of senior persons with good record of service working at the Centre or in other Provinces were generally not considered by the Provinces. This procedure now requires modification for various reasons. Firstly, under the revised procedure consultation with Federal Public Service Commission in the matter of substantive promotion to Grade 18 is no longer necessary and, therefore, distinction between officiating and substantive appointments is no longer valid. Secondly, as a result of the introduction of the administrative reforms a number of officers from other services have been inducted into All-Pakistan Unified Grades (which replaces All Pakistan Services). It is, therefore, necessary that their claim for promotion should also be fully taken into account before making appointments to higher Grades.

12. It has, therefore, been decided that:

(i) A Central Selection Committee under the Establishment Secretary in which Chief Secretaries of the Provinces would be associated would make recommendations for promotion to Grade 18 and above. For appointments in the Provinces, the cases will be first submitted to Governor/Chief Minister as at present before submitting the cases to the Prime Minister for approval. Instead of making recommendations in each case of promotion, panels of names for promotion to higher Grades would be prepared periodically so that whenever vacancies have to be filled at short notice, action would be taken without any delay.

(ii) No officer above a certain seniority should remain in the same Province for a period of more than 5 years. The Central Selection Committee referred to above will look into the implementation of this decision.

[Authority.- Estt. Division O.M. No. 2/2/74-ARC, dated 23-2-1974 as amended vide Estt. Division O.M. of even number dated 14-12-1976].

SI. No. 5

The Federal Government in pursuance of para 4 (ii) of the Establishment Division O.M. No. 2/2/74-AR. II, dated the 23rd February, 1975, agree to the classification of the following districts as major districts and placing of posts of Deputy Commissioner of these districts in Grade 19:

Punjab Sindh N.W.F.P. Balochistan Lahore Hyderabad Peshawar Quetta Rawalpindi Sukkur D.I. Khan Zhob Multan LarkanaSwat — Loralai Faisalabad Karachi Abbottabad Kohlu AgencySargodha Nasirabad Bahawalpur Khuzdar Sahiwal Mekran Gujranwala

Placement of the posts in Grade 19 does not imply automatic upgradation of the incumbent of the posts. The Provincial Government will refer the case of promotion to Grade 19 against these posts to the Establishment Division in accordance with the normal procedure.

[Authority.- Estt. Division Additional Secretary's d.o. letter No.3/16/ 74-ARC-II, dated the 30- 8-1975 addressed to Provincial Governments].

Economists and Planners Group

SI. No. 6

In pursuance of the Administrative Reforms, it has been decided to constitute another occupational group to be called "Economists and Planners Group" comprising all posts of Economists, Chief, Deputy Chief, Assistant Chief, Research Officers, Planning Officers and Economic Investigators in the Economic Sections of the Planning Division, Economic Affair Division and Finance Division and posts in other Ministries, Divisions and Departments of the Federal Government dealing exclusively with economic matters and planning and development in the economic field. For this purpose the Ministries and Divisions concerned shall communicate to the Planning and Development Division the number and Grades of all such posts under their administrative control, together with a nominal roll of the incumbents of these posts showing dates of their regular appointment in their present Grades. Based on the information supplied by the Ministries and Divisions, the Planning and Development Division shall prepare a schedule of posts to be included in the Economists and Planners Group and forward it to the Establishment Division for approval.

2. The Economists and Planners Group will be under the administrative control of the Planning and Development Division, and will function within the following broad framework of rules.

3. Grades I - 16.- Each Ministry/Division/Department will operate these posts separately as heretofore subject to the overall supervision of the Planning and Development Division. The existing rules, regulations and instructions in regard to direct recruitment, promotion quotas, composition of Promotion and Selection Committee, appointing authorities for various

grades etc. will continue to apply as heretofore. The provisions of recruitment rules already framed for various categories of posts with the approval of the Establishment Division will also continue to apply. All posts to be filled by direct recruitment will be advertised.

4. Grade 17.- Initial entry to grade 17 will be made from amongst such probationers, recruited through the competitive examination conducted by the Federal Public Service Commission, as are in possession of the prescribed academic qualifications. After the initial institutional training, the probationers officers will be given such departmental training as may be prescribed, to be followed by an examination the details of which will be prepared by the Planning and Development Division. Thereafter, they will be allocated to various posts in different Mi£nistries/ Divisions/ Departments. They will ordinarily remain in the Miunistries/ Divisions/Departments of their original posting until they get promotion to the next higher grade. With the exception of very special cases, there will be no horizontal movement at this stage from _ one Ministry/Division/Department to the other.

5. 75% of posts in grade 17 will be filled by direct recruitment and 25% through promotion on the basis of selection.

6. Grade 18 and above.- 33% posts in grades 18, 19 & 20 would be filled by promotion if suitably qualified and experienced persons are available. The remaining 67% would be filled by direct recruitment, or transfer, of persons possessing such qualifications and experience as may be prescribed. Direct recruitment will be made through the Federal Public Service Commission.

7. All posts in grade 17 and above will be selection posts. 8. The procedure for promotion and other matters as laid down in

the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 will be observed.

9. Officers of this group will be eligible for appointment to equivalent posts in the Secretariat and other Groups by horizontal movement, and to posts in higher grades in the Secretariat Group in accordance with the prescribed procedure.

10. Lateral entry.- In order to meet existing deficiency in grades 17 and 18, the Planning and Development Division will prepare a scheme for recruitment of young economists possessing Master's Degree in Economics and for their training in Pakistan and abroad (in Ph.D. Fellowships etc.) and submit it to the Establishment Division for approval.

11. To meet specific requirements, appointments may also be made to posts in the Group in any grade by recruitment through lateral entry of persons either in Government service, or engaged in a profession or in the service of a corporation, or private organization, who possess professional qualifications and experience as may be prescribed for the posts from time to time. Similarly, officers of the Economists and Planners Group

may be posted to appropriate posts in corporations and public sector organizations under Government management and control.

12. Seniority.- Grade 1 to 16.- Separate Division-wise/ Department-wise seniority lists would be maintained for all posts in grades 1 to 16 as hithertofore. The seniority as already determined in various grades under the previous rules before the promulgation of the Civil Servants Ordinance, 1973, i.e. before 15th August, 1973, shall not be disturbed. However, seniority of persons promoted to higher grades on or after 15th August, 1973 shall be determined on the basis of the date of regular appointment to the grade, provided the persons who are selected for promotion to a higher grade in one batch shall, on their promotion to the higher grade, retain their inter se seniority in the lower grade.

13. Grade 17.- All officers of grade 17 will be borne on a combined seniority list of the "Economists and Planners Group". The inter-se

Seniority of the direct recruits to grade 17 will be determined on the basis of the order of merit of the probationers determined on the conclusion of training. The inter se seniority of officers promoted to grade 17 will be determined with reference to the dates of their regular appointment in grade 17 provided that officers who are selected for promotion to that grade in one batch shall, on their promotion, retain their inter se seniority in the lower grade As for seniority of direct recruits vis-a-vis promoted officers, the direct recruits appointed in a particular year will, as a class, rank junior to the officers appointed by promotion on regular basis in that year.

14. Grade 18 and above.- Seniority will be determined in each grade from the date of regular appointment to the grade provided that officers who are selected for promotion to higher grade in one batch shall, on their promotion to a higher grade, retain their inter se seniority in the lower grade. Those appointed by direct recruitment, if more than one person is selected in one batch, shall be assigned seniority in accordance with the order of merit determined at the time of selection provided the selected persons join within the prescribed time.

15. Provision for accelerated promotion of posts in grade 17.- To enable bright young persons in the Group who fail to secure direct entry to Grade 17 posts through the Federal Public Service Commission to get another opportunity to compete for these posts or to get accelerated promotion to Grade 17 within the department, the following provisions are made:-

(a) Officials of age upto 30 years can appear in the competitive examination conducted by the Federal Public Service Commission provided they have put in at least two years Government Service. Not more than two chances will be allowed after one has entered Government service;

(b) There will also be a departmental examination for departmental candidates for accelerated promotion to posts in Grade 17. Subject to possession of such minimum

qualifications as may be prescribed, all officials having a minimum of 5 years Government service in Grade 11 and above in the Group will be entitled to appear in this examination. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination and 35 years for subsequent examinations.

16. The Secretary, Planning and Development Division will prepare a scheme for departmental examination mentioned in para 15 and obtain the approval of the Establishment Division. Promotion on accelerated basis through the above examination will, subject to availability of suitable departmental candidates, be limited to the maximum of 25% of the total vacancies in Grade 17 and these promotions will be reckoned against the direct recruitment quota.

17. The existing arrangements with regard to personnel management of various posts and cadres in the "Economists and Planners Group" will continue but the Secretary, Planning and Development Division in liaison with the Ministry/Division/ Department concerned will be responsible for the smooth implementation of the above instructions. He will prepare grade-wise gradation list of all officers in Grade-17 and above. Any major difficulties which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary, the Secretary Planning & Development Division and such other Secretary or Secretaries as may be coopted.

[Authority.- Estt. Division O.M.No.10/2/75-ARC, dated 25-3-1976].

*The nomenclature of the Foreign Affairs Group changed to a "Foreign Service of Pakistan" vide Estt. Division Notification No. S.R.O. 936(1)/83, dated 29-9-1983.

"Foreign Service of Pakistan

SI. No.7

In continuation of Establishment Division Office Memorandum No. 1/2/74-ARC, dated the 23rd January, 1974, it has been decided with the Prime Minister's approval to constitute another occupational group called the "Foreign Affairs Group" comprising all posts in or under the Ministry of Foreign Affairs. The group will be under the administrate control of the Foreign Ministry and will function within the following framework of procedure, rules and regulations etc.

2. Grade 1-16.- These comprise posts of Peons, Daftries, Clerks, Assistants, Stenographers and Office Superintendents. Recruitment will be partly by promotion and partly direct recruitment in accordance with the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. As provided in the rules, where appointments are to be made from outside, the posts will be advertised.

3. Grade 17.- Initial entry to Grade 17 in the Foreign Affairs Group will continue to be made as at present through competitive examination

conducted by Federal Public Service Commission. On completion of one year's training at the Academy for Administrative Training, suitable candidates would be allocated to Foreign Affairs Group on the basis of their ability and aptitude. Thereafter, they would be given departmental or on-the-job training in such a manner that they are exposed to Commercial, Press etc., as well as Diplomatic work.

4. As in the case of Accounts Group, the following two provisions are being made to enable educationally qualified persons in Grade 16 and below to secure entry in Grade 17.

(a) They can appear in the competitive examination conducted by F.P.S.C. upto the age of 30 years provided they have put in at least 2 years services.

(b) There will be a departmental examination under which departmental candidates would be considered for promotion to Grade 17. The age limit for this examination will be 35 years. Such departmental examination will be held by FPSC. Those promoted Grade 17 will be initially appointed as Section Officers at Headquarters. After training and a spell of duty at Headquarters they would be eligible for posting abroad.

5. Grade 18.- Promotion to Grade 18 will be from amongst Government servants of Grade 17 who have rendered at least 5 years of service in that Grade.

6. Grades 19 and 20.- The existing procedure governing promotions to these Grades would, by and large, remain the same. As in the case of Secretariat Officers, promotion to Grade 20 will be on the basis of written test and as well as Annual Confidential Reports. The minimum length of service for promotion to Grade 19 and 20 will respectively be 12 years and 15 years in Grade 17 and above.

7. Grades 21 and 22.- Selection will be made from Government servants in Grades 20 and above.

"8. Transfer of officers from other Ministries...............

9. Lateral entry.- In view of our expanding requirements to man posts abroad and the need for greater circulation of officers of the Foreign Affairs Group to other Ministries, the cadre strength of the Foreign Affairs Group will be kept constantly under review and lateral entry resorted to whenever and in whichever Grade there is shortage. But apart from the need to meet such shortages, there would be regular lateral entry each year at 1st Secretary/Director and Minister/Director General levels for continuous enrichment of the Foreign Affairs Group by induction of fresh blood from the private sector as well as other occupational groups. For the next few years the Ministry of Foreign Affairs would submit a report every three months as to

how the lateral system is working. On this report, the comments of the Establishment Division would be obtained before submission to the Prime Minister.

10. Exposure to other Ministries.- In order to equip them better for diplomatic work officers of the Foreign Affairs Group, in the course of their assignment in Pakistan, would be exposed to the work relating to Trade and Commerce, Planning, Public Relations and Publicity and Economic matters. They would be posted, on short term secondments, to Ministries/Organisations/ Corporations etc. dealing with these and allied subjects.

11. Secretariat Officers working in Foreign Office.- There are at present a large number of Grade 17 and Grade 18 _ officers

‘Note.-The administrative control of these posts would now revert to the respective Ministries and

Divisions who exercised such control before the formation of Foreign Affairs Group.

belonging to the former Central Secretariat Service who are working in the Foreign Ministry and in Missions abroad. Some of them who are suitable would be permanently inducted into the Foreign Affairs Group and the rest would be withdrawn in a phased programme.

12. Personnel Wing of the Foreign Ministry.- The two top posts in the Personnel Wing of the Ministry of Foreign Affairs will be manned by officers, not belonging to Foreign Affairs Group.

13. Seniority etc.- A Unified Gradation List of officers of the Foreign Affairs Group will be prepared by the Ministry of Foreign Affairs, taking into account the above decisions and in accordance with the principles already adopted for other groups wiz-the seniority in each Grade will be determined from the date of appointment to that Grade. The strict

application of this rule may create hardship in certain cases as for example some Section Officers of former CSS cadre are in Grade 18 while most of the Directors are also in Grade 18. Such anomalies have to be removed. To do this and to resolve any major difficulty that may arise as a result of the application of these instructions in regard to seniority a committee has been set up consisting of the Foreign Secretary (Administration) and Establishment Secretary.

[Authority.- Estt. Division O.M. No. 3/2/74-ARC, dated 8-4-1974, as amended vide O.M.of even numbers dated 21-9-1976, 30-1-1978 and 28-2-1978].

Income tax Group

Sl. No. &

In pursuance of the Administrative Reforms, it has been decided to constitute the "Income Tax Group". The group shall comprise all posts in the Income Tax Department. The overall administration of this group will remain with the Central Board of Revenue under the Ministry of Finance. It will function within the following broad framework of rules and procedure: -

2. Grades I to 16.- The existing instructions with regard to direct recruitment and promotion quotas, the composition of Departmental Promotion and Selection Committees, the appointing authorities for various Grades, etc. will continue to apply as hithertofore. All posts to be filled by direct recruitment will be advertised except posts in Grade 16 which will be reported to the Federal Public Service Commission.

3. Grade 17.- 75% of the posts in Grade 17 will be filled through competitive examination conducted by the Federal Public Service Commission and 25% through promotion. After completion of one year's training at the Academy for Administrative Training, the probationer

officers allocated to this group will undergo departmental and on-the-job training to be followed by an examination. Officers promoted to Grade 17 may also be required to undergo such departmental training as the Central Board of Revenue may prescribe.

4. The following provisions are made to enable educationally qualified persons in Grade 16 and below to secure entry in Grade 17:-

(a) They can appear in the competitive examination upto the age of 30 years provided they have put in at least 2 years service. A maximum of two chances will be allowed after one has entered Government service.

(b) There will also be a departmental examination under which departmental candidates can be considered for accelerated promotion in their own department. The upper age limit for this will be 45 years for the first examination, 40 years for the next examination and 35 years for subsequent examinations.

The Central Board of Revenue will prepare a scheme for the departmental examination at (b) above and obtain the approval of the Ministry of Finance and Establishment Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 20% of the total vacancies and these promotions will be reckoned against the direct recruitment quota.

5. Grade 18 and above.- The procedure for promotion and other matters as laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, will be observed subject to the length of service as prescribed in Establishment Division O.M. No. 3/7/74. AR II, dated the 20th May, 1974, namely:-

For Grade 18 .. 5 years service in

Grade 17.

For Grade 19 .. 12 years service in Grade 17 and above. For Grade 20 .. 15 years service in

Grade 17 and above.

6. Secretariat Posts.- Officers of this group will be eligible for Secretariat posts in All Pakistan Unified Grades in Grade 19 and above in accordance with the procedure prescribed for appointment to Secretariat posts of Deputy Secretary and above.

7. Lateral Entry.- In order to meet shortages of officers in this group or to meet specific requirements, appointments may be made to posts in the Group in any Grade by transfer from other Groups, or by recruitment through lateral entry of persons engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time. Similarly officers of this Group may be posted to appropriate posts in corporations and other organizations under Government management and control.

8. Seniority.- (i) Grade I to 16.- Seniority lists for all posts in Grade 1 to 16 would be maintained as hithertofore on the basis of continuous regular officiation in the Grade. The inter se seniority of direct recruits in Grade 16 in a particular year will be determined in accordance with the merit position obtained by them in the competitive examination conducted by the Federal Public Service Commission.

(ii) Grade 17.- The inter se seniority of direct recruits in Grade 17 will be determined on the basis of order of merit of the probationers determined at the time of final passing out from the Academy for Administrative Training. The inter se seniority of officers promoted to Grade 17 will be determined with reference to the dates of their regular continuous officiation in the grade. As for seniority of direct recruits

vis-a-vis promoted officers, the direct recruits of a particular year will as a class rank junior to the promoted officers of that year.

(iii) Grade 18 and above.- Seniority will be determined in each Grade from the date of regular continuous officiation in the Grade.

9. The existing arrangement with regard to personnel management of the Income Tax Department will continue under the overall supervision of the Central Board of Revenue and the Ministry of Finance. The Central Board of Revenue will prepare Gradation Lists of all officers in Grade 16 and above. The lists will be prepared Grade-wise. Each Commissioner of Income Tax will prepare, issue and maintain seniority lists of Grade 15 and below.

10. The Central Board of Revenue will submit periodical reports to the Establishment Secretary. Any major difficulties which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary and the Chairman of the Central Board of Revenue.

[Authority.- Estt. Division O.M. No.4/2/75-ARC, dated 09-5-1975].

Information Group SI. No. 9

In pursuance of the Administrative Reforms, it has been decided to constitute another occupational group to be called "Information Group" which shall comprise all posts in the following Departments and Organizations and such posts in the “Ministry of Information and Broadcasting as may be specifically included in the Group:-

(i) | Press Information Department and its Regional Information Offices.

(ii) | Directorate of Research and Reference.

(iti) | External Publicity Wing and its Offices in Pakistan Missions abroad.

(iv) Border Publicity Organization and its Regional Offices. (v) Audit Bureau of Circulation and its Regional Offices. (vi) Directorate of Economic Publicity.

(vii) Directorate of Films and Publications.

The group will be under the administrative control of the Ministry of Information and Broadcasting and will function within the following broad framework of rules and procedure.

2. The posts in Grade 17 and above included in the Information Group are detailed in the enclosed schedule (Annexure). The “Ministry of Information and Broadcasting may, after consultation with the Establishment Division, add to, or remove any post from the Schedule. In addition, there will be a leave, training and deputation reserve as follows:-

(1) Leave Reserve....10% of the duty posts.

(2) Training and Deputation reserve....10% of the duty posts.

‘In the present context may be read as Ministry of Information & Media Development.

3. Grades 1 to 16.- Each Department and Organization will operate these posts as hithertofore. The existing instructions with regard to direct recruitment and promotion quotas, the composition of Promotion and Selection Committees, the Appointing Authorities for various Grades, etc.,

will continue to apply. All posts to be filled by direct recruitment will be advertised, except posts in Grade 16 which will be reported to the Federal Public Service Commission.

4. Grade 17.- Seventy-five per cent posts in Grade 17 will be filled through competitive examination conducted by the Federal Public Service Commission. After completion of training at the Academy for Administrative Training, the probationer officers allocated to the Information Group will undergo on-the-job departmental training to be followed by an examination prescribed by Ministry of Information and Broadcasting.

5. The remaining 25% posts will be filled by promotion on the basis of selection from amongst Grade 16 Officers of the Ministry of Information and Broadcasting and the Departments and Organizations included in the group.

6. Grade 18 and above.- The posts will be filled by promotion on the basis of selection from amongst eligible officers of the group in accordance with the procedure laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and other instructions issued from time to time, or if no candidate is considered suitable from within the group by horizontal movement of suitably qualified and experienced

officers from other groups. Government instructions regarding minimum length of service for eligibility for promotion to Grades 18, 19 and 20 will be observed.

7. Eligibility for senior posts in the Secretariat.- Officers of this group will be eligible for Secretariat posts i.e. Deputy Secretary and Joint Secretary, by horizontal movement, as well as by lateral entry through examination etc.

8. Lateral entry.- In order to meet shortage of officers in the group

or to meet specific requirements, appointment may be made in posts in the group in any Grade, by transfer from other groups or by recruitment through lateral entry of persons either in Government service or engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time. Such appointments shall be made through Federal Public Service Commission in consultation with the Establishment Division.

9. Seniority: (a) Grades I to 16.- In respect of Grades 1 to 16, separate seniority lists would be maintained for each Department and Organization included in the Information Group, as hithertofore, on the basis of continuous regular officiation in the Grade.

(b) Grade 17.- All officers of Grade 17 will be borne on a combined seniority list of the "Information Group". The inter se seniority of the direct recruits to Grade 17 will be determined on the basis of the order of merit of the probationers determined on the conclusion of training. The inter se seniority of officers promoted to Grade 17 will be determined with reference to the dates of their regular appointment in Grade 17 provided that officers who are selected for promotion to that Grade in one batch shall, on their promotion, retain their inter se seniority in the lower Grade. As for seniority of direct recruits viz-a-viz promoted officers, the direct recruits appointed in a particular year will, as a class, rank junior to the officers appointed by promotion on regular basis in that year.

(c) Grade 18 and above.- Seniority will be determined in each Grade from the date of regular appointment to the Grade; provided that officers who are selected for promotion to higher Grade in one batch shall, on their promotion to a higher Grade, retain their inter se seniority in the lower Grade. Those appointed by direct recruitment, if more than one person is selected in one batch, shall be assigned seniority in accordance with the order of merit determined at the time of selection provided the selected persons join within the prescribed time.

Note.- The seniority as already determined in various Grades under

the rules in force before the promulgation of the Civil Servants Ordinance, 1973 i.e. before 15-8-1973, shall not, as far as possible be disturbed. However, seniority of persons promoted to higher Grades on or after 15-8-73 shall be determined on the basis of the date of regular appointment to the Grade, provided that the persons who are selected for promotion to a higher Grade in one batch shall, on their promotion to the higher Grade, retain their inter se seniority in the lower Grade.

10. Provision for accelerated promotion to posts in Grade 17.- To enable bright young persons who have failed to secure through competitive examination conducted by Federal Public Service Commission direct entry to Grade 17 posts, or to get accelerated promotion within the Department, the following two provisions are made:-

(a)

(b)

Those of age upto 30 years can appear in the competitive examination conducted by the Federal Public Service Commission provided they have put in at least 2 years service.

There will also be a departmental examination under which departmental candidates will be considered for promotion to posts in Grade 17. All officials having a minimum of 5 years service in Grade 11 and above in the “Ministry of Information and Broadcasting and the Departments and Organizations, which are included in the Information Group, will be eligible to appear in this examination, provided they fulfil the prescribed

‘In the present context may be read as Ministry of Information & Media Development.

conditions. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination and 35 years for all subsequent examinations.

The “Ministry of Information and Broadcasting will prepare a scheme for the departmental examination at (b) above and obtain the approval of Establishment Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 25% of the total vacancies and these promotions will be reckoned against the direct recruitment quota.

11. The existing arrangements with regard to personnel management will continue under the over-all supervision of the Ministry of Information and Broadcasting who will prepare gradation lists of all officers in Grade 17 and above. Each Department under the “Ministry of Information and Broadcasting included in the group will prepare, issue and maintain seniority lists in respect of Grade 16 and above.

12. The “Ministry of Information and Broadcasting will submit periodical reports to the Establishment Secretary. Any major difficulties which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary and the Secretary, “Ministry of Information and Broadcasting.

[Authority.- Estt. Division O.M. No. 2/8/75-ARC, dated 17-6-1977].

‘In the present context may be read as Ministry of Information & Media Development.

ANNEXURE

“SCHEDULE SHOWING POSTS IN BPS 17 AND ABOVE INCLUDED IN THE INFORMATION GROUP

WING/ NOMENCLATURE BPS NO.OF DEPARTMENT OF POST POSTS 1 2 3 4 1. Audit Bureau of Director 19 1 Circulation, Deputy Director 18 1 (Headquarters, Assistant Director 17 1 Islamabad) Audit Bureau of Assistant Directors 17 4 Circulation, (Lahore/Karachi/ Peshawar/ Quetta). Total: 7 2. External Publicity Director General 21 1 Wing, Islamabad. Minister (Informa- 20 tion)(London/ New Delhi) Directors 19 4 Press Counselors 19 8

(Bonn, Cairo, Dhaka, New York, Paris, Riyadh,

Tehran, Washington) Deputy Directors 18 6 Press Attaches 18 17

(Abu Dhabi, Colombo, Canberra, Beijing, Ankara, Jeddah, Kuala-Lumpur,Kuwait London, New Delhi, Nairobi, Ottawa, Rome, Tokyo,Hong Kong, Jakarta, Washington) Assistant Directors 17 7

Total: 45

3. Internal Publicity Director General 20 1 Directors 19 3 Deputy Directors 18 2 Assistant Directors 17 3 Total: 9

‘Subs vide Ministry of Information and Media Development O.M.No.1(5)/92-IC, dated 24-7-1993.

1 2 3 4 4. Information Director General 20 1 Service Academy Directors 19 2 Deputy Directors 18 3 Total: 6 5. Press Information Director General 21 1 Department Dy. Directors Genl. 20 2 (Headquarters), Directors 19 7 Islamabad. Deputy Directors 18 12 Assistant Directors/ 17 32 Information Officers PID (Regional Director 19 1 Information Deputy Directors 18 3

Office), Lahore

PID (Sub-Office) Deputy Directors 18 2

Multan/Faisalabad Information Officers 17 2 PID (Regional Assistant Directors/ 17 5 Information Information Officers

Office) Lahore Total: 13

PID (Regional Director 19 1 Information Deputy Directors 18 2

Office) Karachi

PID (Sub-Office) Deputy Director 18 1

Hyderabad Information Officer 17 1

PID (Regional Information Officers/ 17 Information Assistant Directors Office)Karachi Total: 11 PID (Regional Director 19 Information Deputy Directors 18 Office) Research Officer Peshawar Information Officers 17 PID (Sub- Information Officer 17 Office) D.I. Khan Total: 7

PID (Regional Director 19 Information Deputy Directors 18 Office) Quetta Information Officers 17 PID (Regional Deputy Director 18 Information Information Officer 17 Office) Gilgit

PID (Sub-Office) Information Officer 17 Chilas

6. Directorate of | Director General 20 Films and Directors 19 Publications Deputy Directors 18 (Headquarters)IBD. DFP (Lahore Deputy Director 18 Office) Assistant Directors 17

Directorate of Assistant Directors 17

Total:

wo

Films and Publications

(Headquarters) IBD. Total: 12 7. Directorate General Director General 20 1 (Research and Directors 19 3 Reference) Ibd. Deputy Directors 18 9 Assistant Directors 17 11 Total: 24 8. Central Zakat Deputy Director 18 1 Administration (To be paid by Finance Div., Ibd. Central Zakat Administration) Grand Total: 197

(Besides there will be 10% deputation reserve and 10% leave reserve in each pay scale).

Military Lands and Cantonment Group

Sl. No. 10

In pursuance of the Administrative Reforms, it has been decided to form another Occupational Group to be called "Military Lands and Cantonment Group". The Group shall comprise all posts in the Military Lands and Cantonment Department and such posts as may be included in the group from time to time.

2. The Group will be under the administrative control of the Ministry of Defence and will function within the following broad framework of rules and procedure.

3. Grades I to 16.- The existing instructions with regard to direct recruitment and promotion quotas, the composition of Departmental

Promotion and Selection Committees, the Appointing Authorities for various Grades, etc. will continue to apply. The provisions of recruitment rules already framed for various categories of posts with the approval of Establishment Division will also continue to apply. All posts to be filled by direct recruitment will be advertised except posts in Grade 16 which will be reported to the Federal Public Service Commission.

4. Grade 17.- Seventy five percent (75%) posts in Grade 17 will be filled through Competitive Examination to be conducted by the Federal Public Service Commission and 25% by promotion from amongst the departmental incumbents holding posts in Grade 11 and above. After completion of integrated training at the Academy for Administrative Training, the probationer officers allocated to the "Military Lands and Cantonment Group " will undergo common Departmental Training to be followed by a Departmental

Examination, the details of which will be worked out by the Secretary, Ministry of Defence in consultation with this Division and the Federal Public Service Commission Thereafter, they will be allocated to various posts in the Group.

5. Grade 18 and above.- Posts will be filled by promotion or direct recruitment in accordance with the procedure laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and other instructions issued from time to time or by horizontal movement of suitably qualified and experienced officers from other Groups.

6. Eligibility for posts in the Secretariat.- Officers of the Military Lands and Cantonment Group will be eligible for Secretariat posts i.e. Deputy Secretary and Joint Secretary, by horizontal movement as well as by lateral entry through examination etc.

7. Eligibility for posts in the District Management Group.- Officers of the Military Lands and Cantonment Group will also be eligible for induction in the District Management Group on the basis of selection in accordance with a procedure that may be prescribed from time to time.

8. Lateral entry.- In order to meet shortages of officers in the Military Lands and Cantonment Group or to meet specific requirements, appointments may be made to posts in Group in any Grade by transfer from other Groups, or by recruitment through lateral entry of persons engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time.

9. Seniority - (i) Grades I to 16.- Separate seniority lists would be maintained for all posts in Grades 1 to 16 as hithertofore on the basis of continuous regular officiation in the Grade.

(ii) Grade 17.- All officers of Grade 17 will be borne on the combined seniority list of the Military Lands and Cantonment Group. The inter se seniority of direct recruits to Grade 17 will be determined on the basis of order of merit of probationers determined at the time of final passing out from the Academy for Administrative Training. The inter se seniority of officers promoted to Grade 17 will be determined with reference to the dates of their regular continuous officiation in Grade 17. As for seniority of direct recruits viz-a-viz promoted officers, the direct recruits of a particular year will, as a class, rank junior to the officers promoted to Grade 17 in that year.

(iit) Grade 18 and above.- Seniority in each Grade will be determined from the date of regular continuous officiation in the Grade.

10. Provision for accelerated promotion to posts in Grade 17.- To enable bright young persons who have failed to secure direct entry to Grade 17 posts through Competitive Examination conducted by the Federal Public Service Commission to get another opportunity to compete for these posts or to get accelerated promotion within the department, the following two provisions are made:-

(a) Those of age upto 30 years can appear in the Competitive Examination conducted by the Federal Public Service Commission provided they have put in at least two years Government service. A maximum of two chances will be allowed after one has entered Government service.

(b) There will also be a departmental examination under which departmental candidates can be considered for accelerated promotion to posts in Grade 17. All officials having a minimum of 5 years Government service in Grade 11 and above will be entitled to appear in this examination provided they are otherwise eligible. The upper age limit for this examination will be 45 years for the first examination, 40 years for the next examination and 35 years for subsequent examinations.

11. The Secretary, Ministry of Defence, will prepare a scheme for the departmental examination at (b) above and obtain the approval of this Division. Subject to availability of suitable departmental candidates, promotion on accelerated basis through the above examination will be limited to a maximum of 25% of the total vacancies and these promotions will be reckoned against the direct recruitment quota.

12. The existing arrangements with regard to personnel management of the "Military Lands and Cantonment Group" will continue under the overall supervision of the Ministry of Defence who will prepare Gradation

Lists of all officers in Grade 17 and above. The Director, Military Lands and Cantonment will prepare, issue and maintain seniority lists of Grade 16 and below, the Ministry of Defence will submit periodical reports to the Establishment Secretary. Any major difficulty which may arise in the implementation of these instructions will be resolved in a meeting of the Establishment Secretary and the Secretary, Ministry of Defence.

[Authority.- Estt. Division O.M.No.9/2/75-ARC, dated 11-5-1975].

Office Management Group

SI. No. 11

In continuation of the Establishment Division Office Memorandum No.3/2/74-ARC, dated the 8th April, 1974, it has been decided to constitute another occupational group called Office Management Group which will comprise:-

(i) all ministerial posts in the Federal Secretariat from Grades 1 to 16;

(ii) posts of Section Officers in Grades 17 and 18; and

(iii) | such other posts including posts in Grades 19 and 20 as may be specified and included in the Group from time to time.

2. Subject to the delegation specified below, the administrative control of the Group will rest with the Establishment Division and will be exercised within the broad framework of rules and procedure as outlined in the succeeding paras.

3. Ministerial posts from Grades I to 16.- Each Ministry/ Division will operate these posts as heretofore. The existing rules, regulations and instructions in regard to direct recruitment, promotion, provincial quotas, composition of promotion and selection committees, appointing authorities for various Grades etc. will continue to apply as heretofore.

4. Initial composition of the group in respect of posts in Grade 17 and above.- The following officers including those who are on temporary deputation outside the Federal Secretariat shall be included in the group on

its initial constitution viz:

Gi)

(ii)

(iii)

(iv)

(v)

Section Officers who already stood encadred in the former CSS Cadre through notifications issued from time to time.

Section Officers who were eligible to be encadred but notifications could not be issued before the abolition of the CSS Cadre.

Section Officers directly recruited by Federal Public Service Commission till the end of “[1974].

Ad hoc Section Officers who qualified in the promotional examinations of 1967 and 1969 but who could not be adjusted on regular basis due to non-availability of posts in the departmental quota.

Ad hoc Section Officers who appeared in the promotional examinations of 1967 and 1969 and were cleared by revising the standard in consultation with the Federal Public Service Commission.

5. Working strength of Section Officers.- The strength of duty posts of Section Officers in Federal Secretariat will for the present, be 750. “[10% of these posts will be reserved for appointment on deputation on tenure basis or by transfer of officers in Grade 17 and 18 from other occupational groups/cadres and provincial civil servants in accordance with para 9(A).] There will be leave, training and deputation reserve as under:-

(i) Leave reserve 10% of the duty post ....cccccceeeee ees 75

(ii) Training and deputation reserve 15%.............ceceeeeeeeee es 112

“Amended vide Estt. Division O.M. No. 10/1/74-C.III(A), dated 17-2-1979.

“Subs vide Estt. Division O.M. No.7/12/81-C.III (B)/(OMG.II) dated 4-11-1985.

50% of the total strength of these posts will be in Grade 17 and the remaining 50% in Grade 18. No vacancy in Grade 18 would occur if a Section Officer in Grade 18 is deputed to an ex-cadre post or sent on foreign service except when the deputationist ceases to have lien in the parent Group.

6. Placing of ad hoc Section Officers on regular footing.- Ad hoc Section Officers other than those mentioned at clauses (iv) and (v) of para 4 above, are liable to be replaced by Federal Public Service Commission qualified Section Officers. Such of them as are not replaced will be required to take Section Officer (Qualifying) Examination to be conducted by the Federal Public Service Commission Not more than two chances to clear the examination will be allowed. Final clearance will be given after taking into account the marks obtained by them in the Qualifying Examination, service record and the vacancies available at the time. Such of them as are cleared finally will be placed on regular footing. Those who do not clear it will be reverted.

7. Future Recruitment: (a) Grade 17.- In future 2/3rd of the vacancies of Section Officers in Grade 17 may be filled by direct recruitment through Federal Public Service Commission.

*[Provided that the appointing authority may, in the public interest, fill up vacant posts falling to the share of initial appointment, through promotion in the prescribed manner].

*Added vide Establishment Division O.M.No.13/4/2004-OMG.I, dated 31.10.2002

*The remaining 1/3™ of the vacancies shall be filled by promotion of the departmental eligible candidates through a promotional examination. The promotion examination will be conducted by the FPSC. The condition of eligibility will be eight years service in BS-11 to BS-16 in President’s Secretariat, Chief

Executive’s Secretariat, Chief Executive’s Implementation and _ Inspection Commission, Senate Secretariat, National Assembly Secretariat, Federal Secretariat, Attached Departments, Wafaqi Mohtasib’s Secretariat, Federal Service Tribunal, Federal Public Service Commission and Intelligence Bureau.

“[Gi) Appointment on acting charge basis:

(a) In the case of vacancies of Section Officers in Grade 17 reserved for initial appointment if, the appointing authority is satisfied that the initial appointment will take sufficiently long time, the vacancies may be filled by making appointments on acting charge basis.

(b) The Section Officers serving on acting charge basis may be appointed on regular basis to the posts held by them, depending on their merit position in the promotional examination, service record and availability of vacancies in the promotion quota, on the recommendation of Departmental Promotion Committee.]

(c) Lateral entry.- In order to meet the shortage of officers in the Federal Secretariat or to meet specific requirements, appointments may be made through lateral entry. Appointment through lateral entry will be made against 2/3rd vacancies reserved for direct recruitment.

(d) Provision for accelerated promotion to the post of Grade 17.- In addition to the provisions made at (b) above, eligible ministerial staff of the Federal Secretariat and its Attached Departments including _—_— Assistants, Superintendents, Stenographers and Private Secretaries etc. who hold a university degree and who are over the age of 25 years but below the

“Subs. Vide Establishment Division’s O.M.No.13/2/98-OMG-I, dated 2.8.2000. “Added vide Estt. Division O.M. No. 7/12/81-C.III(B)/(OMG-I]) dated 4-11-1985. “Amended vide Estt. Division O.M. No. 2/1/80-C.III(A) dated 28-6-1981.

age of 30 years may appear in the examination for direct recruitment of Grade 17 Section Officers conducted by the Federal Public Service Commission if they have been in continuous service for a period of not less than two years. Two chances will be allowed within the prescribed age limits.

8. Training.- (a) After completion of their common training at the Academy for Administrative Training, the directly recruited officers allocated to the Office Management Group will be given on-the-job/departmental training to be followed by an examination which may be prescribed.

(b) Those successful at the promotional examination and finally cleared after taking into account marks obtained by them in the promotional examination and their service records shall undergo a training programme conducted at the Secretariat Training Institute before they are actually posted as Section Officers.

9. Grade 18.- Promotion to Grade 18 will be from amongst Section Officers of Grade 17 who have rendered at least 5 years of service in this Grade, in accordance with the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

‘[9-A. Appointment by transfer.- Civil servants belonging to other occupational groups, services, cadres and the Provincial Governments, including those serving in the Federal Government on deputation basis, may be appointed as Section Officers in the Federal Government, in public interest, on the recommendation of the Departmental Promotion Committee, and with the approval of the competent authority. The consent of the Ministry/Division/ Provincial Government and the officer concerned will be obtained before making such appointments.]

10. Grades 19 and 20.- Promotion to such posts in Grades 19 and 20 as may be specified from time to time will be made by

selection from amongst eligible officers of the Group in accordance with the procedure etc., laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. Minimum length of service required for eligibility to Grades 19 and 20 will be 12 years and 15 years respectively in Grade 17 and above. Officers of this Group will also be eligible for the posts of Deputy Secretary and Joint Secretary, selection to which is made on the basis of written test and interview etc.

“Added vide Estt. Division O.M. No.7/12/81-C.III(B)/(OMG-II) dated 4-11-1985.

11. Grades 21 and 22.- Selection to posts in these Grades will be made from amongst Grade 20 government servants and professionally qualified persons in the private sector.

12. Seniority.- (a) Separate Division-wise seniority lists would be maintained for all posts in Grades 1 to 16 as hitherto on the basis of continuous regular officiation in the Grade.

(b) All officers of Grade 17 will be borne on one combined seniority list to be drawn up in accordance with the following principles:-

(i) Those Section Officers who were eligible for regular appointment as such under the former CSS Rules shall, as a class, rank senior to other Section Officers. Their inter se seniority shall be fixed in accordance with the provisions of the said rules.

ii) "The seniority of Section Officers other than those mentioned in (i) above shall be determined on the basis of date of regular continuous officiation as Section Officers provided that the Promotee Officers of a particular year shall, as a class, be senior to the direct recruits of that year.

Their inter-se seniority, however, shall be determined in the case of direct recruits according to the order of merit assigned to them on completion of their training at the Academy for Administrative Training and, in the case of promoted officers, according to their order of merit as determined in the Promotional Examination."

“[Gii) The officers appointed vide para 7(b) (ii) will be assigned seniority according to merit position obtained by them in the promotional examination. The officers appointed on the basis of an earlier promotional examination will, as a batch, rank

‘Subs vide Estt. Division O.M. No.10/1/74-C.IlI(A), dated 17-2-1979. “Added vide Estt. Division O.M. No.7/12/81-C.III(B)/(OMG-II), dated 4-11-1985.

to those appointed on the basis of subsequent promotional examination.]

(c) Seniority in Grade 18 and above will be determined in each Grade from the date of regular continuous officiation in each Grade.

“[(d) Officers appointed by transfer will be assigned seniority in accordance with Civil Servants Act and the rules framed thereunder. |

13. General.- The existing provisions of CSS Rules (Annexure I) and Section Officers (Probation, Training and Seniority) Rules, 1964 (Annexure II) will continue to be in force to the extent they are not in conflict with the provisions of this Office Memorandum. However, this shall not be construed to limit or abridge the powers of the competent authority to issue new rules and instructions or revisions of the existing ones or to deal with cases of members of group in such manner as may appear to be just and equitable.

[Authority.- Estt. Division O.M. No. 1/2/75-ARC, dated 27-1-1975].

ANNEXURE I

CENTRAL SECRETARIAT SERVICE (CLASS I) RULES, 1965

S.R.O. 284(R)/65.- In exercise of the powers conferred by Article 178 of the Constitution, the President is pleased to make the following rules, namely:-

CENTRAL SECRETARIAT SERVICE (CLASS I) RULES, 1965

1. Short title and commencement. - (1) These rules may be called the Central Secretariat Service (Class 1) Rules, 1965.

“Added vide Estt. Division O.M. No.7/12/81-C.III(B)/(OMG-II), dated 4-11-1985.

(2) They shall come into force at once.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context,-

(a) "Commission" means the Central Public Service Commission; (b) "Secretariat" means the Secretariat of the Central

Government including the President's Secretariat (Public);

(c) "Service" means the Central Secretariat Service (Class I) constituted under rule 3.

3. Constitution of Service.- There shall be constituted a service to be known as the Central Secretariat Service (Class 1) and consisting of-

(a) Persons appointed to the Service on the initial constitution of the Service as provided in rule 5; and

(b) Persons subsequently appointed to the Service by direct recruitment or by promotion in accordance with these rules.

4. Cadre strength and Grades.- (1) The following posts of Section Officers in the Secretariat and such other posts as the Central Government may specify in this behalf shall be borne on the cadre of the Service, namely:-

(a) Duty Posts:

Ordinary Grad Ges 13cccak cus eangdatddedes seen suas senccon een 365 Selection Grade........... cece ccc eccceeeeeeaeeceeeeeeees 91 Total: 456

Less 10% reserved for appointment on deputation or tenure basis of officers of the Central Superior Services or Provincial Civil Services.

() Teeave Reserve, seciscs 55s sagaeneescece ns eee es tsi 55s 46 (c) Training and Deputation Reserve................0.065 68

Grand Total: 570

(2) The number of members of the Service shall be 524 which may be varied, from time to time, by the Central Government.

(3) The time scale of the Service shall be as follows:-

(a) Ordinary Grade:-

(i) For promotees and Direct Recruits Rs.450-50-1,000.

(ii) For former Assistant Secretaries redesignated as Section Officers Rs.800-50-1,200.

(b)

Selection Grade for 20% of Duty Posts

Rs.1,125-75-1,500.

5. Initial constitution of the Service.- (1) The following officers, including those who are on temporary deputation outside the Secretariat, shall, subject to the availability of vacancies, be appointed to the Service on its initial constitution, namely:-

(a)

(b)

(c)

former Assistant Secretaries and Under Secretaries, not being persons belonging to any of the Central Superior Services or Provincial Civil Service, who were officiating as Deputy Secretaries or were employed against other posts immediately before the first day of October, 1959;

former Assistant Secretaries and Under Secretaries not being persons belonging to any of the Central Superior Services or Provincial Civil Services, who were redesignated as Section Officers before the 14th day of September, 1961;

Commissioned Officers of the Defence Services and other Class I Officers, not being persons belonging to any of the Central Superior Services or Provincial Civil Services, who were appointed as Section Officers in the Secretariat before the 14th day of September, 1961;

d)

(e)

“TA

such of the Superintendents, Assistants and other Class II officials appointed as Section Officers in the Secretariat before the 14th day of September, 1961, as have been declared in consultation with the

Commission, fit for permanent retention; [ ]

such of the persons recruited as Section Officers through the Commission on the basis of competitive examinations before the commencement of these rules as have completed their probationary period satisfactorily and have been declared fit for permanent retention; “[and]

officers appointed as Section Officers after the 13th day of September, 1961 but before the 23rd day of October, 1965, as have been declared in consultation with the Commission, fit for permanent retention.]

(2) If any officer of any of the categories mentioned in sub-rule (1)

is not absorbed in the Service on its initial constitution on account of the absence of a vacancy, he shall be appointed to the Service as soon as a vacancy arises.

“The word ‘and' omitted vide Estt.

Division Notification No. S.R.O. 507 (I)/71, dated 30-10-1971. “Full stop omitted and the word ‘and! added ibdi. “Added ibid.

6. Future recruitment to the service.- (1) Vacancies occurring in

(a)

(b)

the ordinary Grade of the Service after its initial constitution has been completed shall be filled in the manner hereinafter provided, namely:-

eighty per cent of the vacancies shall be filled by direct recruitment in accordance with these rules;

fifteen per cent of the vacancies shall be filled by promotion

from amongst Superintendents and such of the Assistants serving in the Secretariat as have qualified for appointment as such at a Ministerial Services or other examination held for the purpose by the Commission or are eligible for confirmation as such; and

(c) five per cent of the vacancies, shall be filled by promotion from amongst Personal Assistants to the President, Private Secretaries to Ministers having a lien on Class II Secretariat Posts, Private Secretaries to Secretaries and of the Principal Secretary to President, Personal Assistants to Ministers or Secretaries and of the Provincial Secretary to President and such of the Stenographers serving in the Secretariat as have qualified for appointment as such at the Stenographers Examination held for the purpose by the Commission or are eligible for confirmation as such.

(2) Appointments to vacancies arising in the selection Grade shall be made through the Central Selection Board by selection from amongst such of the officers in the ordinary Grade as have rendered a minimum of ten year's service in a Class I post which counts for seniority in the Section Officers Grade.

7. Direct recruitment.- (1) Subject to rule 6, direct recruitment to the Service shall be made by competitive examination for admission to the Service to be held in Pakistan and, if necessary, abroad at such time and places as the Central Government may prescribe by notice issued through the Commission.

(2) Every such notice shall include information about subjects of the examination qualifying marks, medical examination and other relevant matters, and shall also, when possible, announce the number of vacancies to be filled on the results of the examination.

(3) The examination may be a combined one for the purpose of making appointment to the Service and any other service.

(4) No candidate shall be allowed to appear more than twice in the examinations held for admission to the service.

8. Eligibility.- (1) Subject to sub-rule (2), a candidate for appointment to the Service by direct recruitment shall-

(a) be a citizen of Pakistan or a person deriving his nationality from the State of Jammu and Kashmir;

(b) hold a degree of a recognized University; and

(c) have attained the age of twenty one years and shall not have attained the age of twenty five years on the date prescribed for this purpose in the notice issued through the Commission:

Provided that Ministerial staff of the Central Government including Assistants, Superintendents, Stenographers and Private Secretaries who hold a University degree and who are over the age of 25 years and under the age of 28 years on the date prescribed for the purpose in the "Notice" issued by the Commission and who _ hold substantively a permanent appointment, or have been in continuous service for a period of not less than 2 years prior to the last date for receipt of application, may be admitted to the examination provided they are eligible and are recommended by the Head of their Department.

(2) The maximum age limit shall be relaxable, in the case of scheduled castes and candidates from the Tribal Areas, to the same extent as may be permitted by the Central Government from time to time for recruitment to the Central Superior Services.

9. Appointment to be in order of merit.- Appointments by direct recruitment to the vacancies to be filled on the results of the examination held by the Commission shall be made by the Central Government in the order of merit of the candidates as declared by the Commission keeping in view such provincial and regional quotas as may be fixed by the Central Government from time to time.

10. Probation.- Candidates appointed by direct recruitment shall be on probation for a period of two years and shall undergo training in accordance with the Section Officers (Probation, Training and Seniority) Rules, 1964.

11. Recruitment by promotion.- “(1) Appointments by promotion shall be made on the basis of written competitive examinations and interviews both to be held by the Central Public Service Commission. The interviews shall follow the written competitive examination and only those candidates shall be allowed to appear in them who qualify in the written competitive examination.

(2) Only those persons shall be eligible for appointment against the quotas mentioned in clauses (b) and (c) of sub-rule (1) of rule 6 as have rendered at least 10 years service, in a class II post in the Secretariat.

12. Prospects of promotion.- The officers appointed to the Service shall be eligible for promotion to higher Grades in the Secretariat, twenty per cent of the posts of Deputy Secretaries being reserved for them.

“Subs vide Estt. Division Notification No. S.R.O. 28(R)/66, dated 2-3-1966.

13. Seniority.- The seniority of those appointed as Section Officers will count from the date of their continuous appointment subject to the following principles:-

(1)

Gi)

(ii)

The seniority of those initially appointed to the service under clause (a), (b), (c) and (d) of sub-rule (1) of rule 5 shall be fixed as shown below in the descending order of the following categories to which they belonged:-

(a)

(b)

(c)

(d) (e)

Assistant Secretaries in the Central Secretariat who were either permanent or were appointed against quasi-permanent vacancies.

Other Assistant Secretaries from the date of continuous appointment; officers of the Defence Services from the dates of their appointments as Major in the Army; or equivalent rank in other Forces; Class I officers of the Central Government from the dates they drew the salary of Rs.750 P.M. in their respective time scale of pay in the old scale.

Officers, not included in (b), of the Defence Services, from their date of Commission, and of Civil Class I Services from the date of their entry into Class I.

Central Class II Officers (Gazetted).

Central Class II Officers (Non- gazetted).

In each of the above categories, permanent as a class shall be senior to temporary officials. For this purpose, permanent employees will be grouped with

those appointed on a quasi-permanent basis.

(iii) | When the date of continuous appointment of two or more officers is one and the same the inter se seniority shall be fixed in accordance with the continuous length of service in the next lower post but when such length of service is not ascertainable or where there is no such lower post, in accordance with age.

(iv) Notwithstanding the above, the previous seniority inter se of the officers from the same service or Grade, obtaining at the time of appointment to the Grade of Section Officer shall, other things being equal, not be disturbed.

(v) Officers belonging to the categories in this sub-rule shall as a class be senior to all other officers appointed to the service.

(2) Seniority of direct recruits appointed under clause (e) of sub-rule (1) of rule 5 and clause (a) of sub-rule (1) of rule 6 shall be fixed as

follows:-

Gi)

(ii)

Those appointed on results of the competitive examinations held in 1960, 1961 and 1962 in accordance with their respective order of merit in the said competitive examinations.

Those appointed on the result of Central Superior Services Examination, 1963 and subsequent examinations, in accordance with rule 11 of the Section Officers' (Probation, Training and Seniority) Rules, 1964:

Provided that those appointed on the results of a previous examination shall be senior to those appointed on the results of a subsequent examination.

“2 (a) The officers mentioned in clause (f) of sub-rule (1) of rule 5 shall count their seniority inter se as well as viz-a-viz officers mentioned in clause (e) of sub-rule (1) of rule 5 from the date of their continuous appointment as Section Officers:

Provided that the officers who before their appointment as Section Officers, were Assistant Secretaries in the Central Secretariat shall count their seniority from the date of their continuous appointment as Assistant Secretaries in the Central Secretariat.

(3) Seniority inter se of promotees appointed under clauses (b) and (c) of sub-rule (1) of rule 6 shall be fixed in accordance with the order of merit assigned to them by the Commission at the time of their selection for appointment as Section Officers.

N.B.- Marks obtained by an officer at the competitive examination prescribed in rule 11 of these Rules shall be taken into consideration for fixing the order of merit.

(4) Seniority of promotees vis-a-vis direct recruits shall be fixed in accordance with the principle that promotees as a class shall be senior to direct recruits of the same year.

[Authority.- Estt. Division Notification No. S.R.O 284 (R)/65 (3/27/60-C.Ill), dated = 23-10- 1965].

“Added vide Estt. Division

Notification No. S.R.O. 507(1)/71, dated 30-10-1971.

ANNEXURE II

SECTION OFFICERS' (PROBATION, TRAINING AND SENIORITY) RULES, 1964

In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178 of the Constitution, the President is pleased to make the following rules, namely:-

1. These Rules may be called the Section Officers' (Probation, Training and Seniority) Rules, 1964.

2. These Rules shall apply to persons recruited as Section Officers on the basis of a competitive examination held by the Commission.

3. In these rules, unless there is anything repugnant in the subject or context:-

(a) "Commission" means the Central Public Service Commission;

(b) "the Government" means the Central Government;

(c) "Probationer" means a person appointed as Section Officer

on probation until the period of his probation ends.

4. (1) Every person selected for appointment as Section Officer on the basis of a competitive examination held by the Commission shall be appointed on probation.

(2) Subject to the provisions of sub-rule (4) of rule 8 and rule 9, the period of probation of a probationer shall be two years unless the

Government, in any case, extends it by a further period or periods not exceeding one year in the aggregate.

(3) The services of a probationer may at any time be terminated without assigning any reason therefor, and shall be terminated if he does not successfully complete his period of probation.

5. (1) Every Probationer shall undergo training at such institutions, at such places, and for such periods as the Government may decide, in consultation with the Commission.

(2) The curricula for training shall be such as may be prescribed by the Government in consultation with the Commission.

6. The officers under whom a probationer is trained or works for any period shall prepare and submit to the Government a confidential report in respect of such probationer on his work, conduct and performance during such period.

7. (1) The annual increment of a probationer may be withheld for such period as the Government may direct if he fails to qualify in any of the examinations referred to in rules 8 and 10, or if the Government considers his work, conduct, or performance unsatisfactory.

(2) The withholding of increments under this rule shall not affect a probationer's future increments.

8. (1) Every probationer shall, after the conclusion of his institutional training, be required to qualify at an examination to be held by the Commission.

(2) The examination shall be in such subjects, carrying, in the aggregate, a maximum of one thousand marks as the Central Government may prescribe specifying the distribution of marks among the various

subjects.

*(3) A probationer who fails to qualify in any subject or subjects in an examination referred to in sub-rule (1) shall be allowed two more chances to appear at the examinations to be held

‘Subs vide Estt. Division Notification No.9/2/66-C.III(B), dated 28-12-1972.

subsequently by the Commission in such subject or subjects.

(4) If a probationer fails to qualify in all the subjects of the examination referred to in sub-rule (2) even after having been allowed the subsequent chances as provided in sub-rule (3), his services shall be terminated except in the case of a probationer who has failed to qualify in one subject only, in which case he will be reduced in seniority and placed at the bottom of the batch with which he appears in the examination in his third chance and forfeit one increment for a period of one year.

(5) If any probationer is prevented by sickness or any other adequate cause from appearing in the whole or part of the examinations referred to in sub-rule (1) or (3) the Government may arrange for him to be specially examined in any or all of the subjects prescribed for such examinations after such interval as it may, after consulting the Commission and having regard to the circumstances of the case, consider suitable.

9. (1) The period of probation of a probationer shall not end until he has fully qualified in the examinations referred to in rules 8 and 10 has earned satisfactory confidential reports under rule 6.

(2) Every probationer shall, before commencement of his training, execute a bond in the form prescribed by the Government with one surety to refund all moneys paid to him or spent in connection with his training, as may be determined by the President, in the event of his resigning the

service during the period of probation or within 3 years thereafter.

10. After he has completed his institutional training, a probationer shall be posted to such Ministry, Division or other office as the Government may direct, and shall there perform the duties allotted to him, and pass such departmental examinations by such standards as the Government may prescribe in this behalf.

‘Subs vide Estt. Division Notification No.9/2/66-C.III(B), dated 28-12-1972.

11. (1) All persons to whom these rules apply and who have been appointed on the basis of the same examination shall rank in seniority amongst themselves in the descending order of the sum of the marks obtained by them in (i) the competitive examination on the basis of which they were selected for appointment; and (ii) the first attempt in the examination held under sub-rule (1) of rule 8.

(2) For the purposes of the fixation of the seniority of a probationer whose case falls within sub-rule (5) of rule 8, the Government may, in consultation with the Commission, pass such orders as it may consider equitable.

12. The service of a probationer shall count for leave and pension from the date of his first joining an institution for training under rule 5.

[Authority.- Estt. Division Notification No. S.R.O.90(R), dated 2-9-1964].

SI. No. 12

Fixation of inter se seniority of Section Officers appointed by direct recruitment.- Principles regarding the fixation of inter se seniority of Section Officers appointed by direct recruitment on the basis of competitive examinations conducted by the Federal Public Service Commission are

contained in the Section Officers (Probation, Training and Seniority) Rules, 1964.

2. A question has arisen whether the inter se seniority of Section Officers appointed on the basis of competitive examinations held in 1960, 1961 and 1962 should also be fixed in accordance with the principles mentioned above or it should be fixed according to the positions obtained by them in the competitive examination.

3. It was mentioned in the notice issued by the Federal Public Service Commission for the 1960 examination that the seniority of candidates in question would be according to their order of merit in the competitive examination. Furthermore, no mention about the fixation of inter se seniority, or about Seniority Rules which were then to be framed, was made in the notices for the 1961 and 1962 examinations and the Section Officers (Probation, Training and Seniority) Rules, 1964, did not prescribe the principles of seniority, with retrospective effect, for Section Officers appointed on the basis of those examinations.

4. It has therefore, been decided that the inter se seniority of candidates appointed on the basis of 1960, 1961 and 1962 examinations should be fixed according to their order of merit in the competitive examinations.

[Authority.- Estt. Division O.M. No. 1/21/64-C.III, dated 20-8-1965].

“Police Service of Pakistan

Sl. No. 13 In continuation of the Establishment Division O.M. No.

2/2/75/ARC, dated 21-2-1975, it has been decided to constitute another occupational group called the Police Group which will comprise all Police

posts in Grade-17 and above viz. ASP, SP, DIG, Addl.I.G, I.G, etc. specified in the schedule (Annexure) of the cadre strength of the former PSP (now called All-Pakistan Unified Grades) as may be revised from time to time.

2. The Police Group will be under the administrative control of the Establishment Division and will function within the following framework of rules and procedure.

3. Grade 17.- Recruitment to the posts in Grade 17 (Assistant Superintendents of Police) will continue to be made through the FPSC as hitherto. On selection by the FPSC the probationers will be given integrated training at the Academy for Administrative Training, Lahore. Those allocated to the Police Group will be posted to the Provinces and given further specialized training at the Police Training College, Sihala.

‘Nomenclature changed vide Estt. Division Notification No. S.R.O. 1033(1)/85 dated 23-10-1985.

4. Grade 18 and above.- Officiating appointments to Grade 18 were hitherto made by the Provincial Governments. As already decided in the case of the District Management Group, all appointments to Grade 18 will henceforth be made by the Federal Government.

5. Appointments to posts in Grade 18 will be made by promotion of officers of Grade 17 of the Police Group and also of Grade 17 officers of the Provincial Police of the rank of DSP of requisite service and experience who are recommended by the Provincial Governments. Selection for appointment to posts in Grade 18 and above will be made on the recommendations of the Central Selection Board.

6. Secretariat Posts.- The officers of the Police Group will be eligible for appointment to the Secretariat Posts (Deputy Secretary and above) selection for which is made by examination or by horizontal movement of officers of the prescribed length of service in other Groups. Appointment by horizontal movement will be made after assessment of

suitability and fitness by the Central Selection Board.

7. Lateral entry.- To bring in fresh blood and to relieve shortages, if any, at various levels, induction in the group may be made by selection from amongst officers of the Armed Forces or by lateral entry from other sources subject to suitability and fitness being determined by the Selection Board.

8. Seniority.- The inter se seniority of direct recruits to Grade 17 will be determined on the basis of the order of merit assigned to the probationer officers allocated to the Police Group on completion of the training at the Academy for Administrative Training. Seniority in Grade 18 and above would be determined from the date of regular continuous officiation in a Grade. Gradation Lists of Officers in All-Pakistan Unified Grade would be issued by the Establishment Division periodically.

[Authority.- Estt. Division O.M. No. 3/2/75-ARC, dated 31-5-1975]. ANNEXURE

S.R.O. 1033(1)/85.- In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985.

(2) They shall come into force at once.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context,-

(a) "Cadre post" means a post specified in the Schedule;

(b) "Commission" means the Federal Public Service

Commission;

(c) "Schedule" means the schedule to these rules;

(d) "Service" means the Police Service of Pakistan referred to in rule 3.

3. Change in nomenclature and _ composition.- (1) Notwithstanding anything contained in the All-Pakistan Services (Change in Nomenclature) Rules, 1973, the Police Group in the All-Pakistan Unified Grades is renamed as the Police Service of Pakistan.

(2) The Police Service of Pakistan shall consist of:

(a) persons appointed or deemed to have been appointed to the Police Service of Pakistan in accordance with the Police Service of Pakistan (Composition and Cadre) Rules, 1969;

(b) persons, other than those mentioned in clause (a), appointed to the Police Group whose names appeared in the gradation list issued on the 28th August, 1980 and persons appointed in the Police Group after that date but before the commencement of these rules; and

(c) persons appointed to the Service in accordance with these rules.

4. Cadre Strength.- (1) The cadre strength of the service shall be as specified in the Schedule.

(2) The President, or a person authorized by him in this behalf, may, from time to time, and in the case of posts in connection with the

affairs of a Province after consultation with the Governor of the Province, remove from or include any post in the Schedule.

5. Initial appointment.- (1) Initial appointment to the service against cadre posts in basic Grade 17 shall be made on the basis of the results of the competitive examinations held for the purpose by the Commission.

(2) Unless the appointing authority in any case otherwise directs, a person appointed to the Service under sub-rule (1) shall be appointed to the Service as a probationer in accordance with the rules which the Federal Government may make from time to time, including rules and orders relating to training during probation, and shall be required to undergo such departmental training and pass such departmental examinations as may be specified by the Federal Government or the Government of the Province to which he is allocated.

6. Appointment of officers of Armed Forces.- Officers of the Armed Forces of the rank of Captain and Major or equivalent shall be eligible for appointment to the Service in accordance with the procedure laid down by Government and against the cadre posts reserved for them from time to time.

7. Appointment of members of Police cadre of a Province.- Members of the Police cadre of a Province shall be appointed to the Service on the basis of selection made on the recommendation of the Governor:

Provided that appointment of members of the police cadre of a Province under this rule shall not exceed 40% of the senior cadre posts in that Province as specified in the Schedule.

"[7-A. Appointment of members of Pakistan Railway Police.- Member of the Pakistan Railway Police shall be appointed to the service on the basis of selection made on the recommendation of the Ministry of

Railways:

Provided that the appointment of members of the Police cadre of Railways under this rule shall not exceed 40% of the senior cadre posts of Pakistan Railway Police as specified in the Schedule].

8. Appointment by promotion.- Members of the Service shall be eligible for promotion to higher posts in accordance with the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, and the administrative instructions issued from time to time.

9. General.- (1) A cadre post shall ordinarily be filled by a member of the Service.

(2) Nothing in sub-rule (1) shall be construed as preventing the posting to a cadre post of a person who is not a member of the Service:

Provided that no such person shall be so posted for a period exceeding twelve months except with the previous sanction of the authority competent to make appointment to the post.

10. Liability to serve.- A member of the Service shall be liable to serve anywhere in Pakistan in any post and to hold, if he

'Ins vide Estt. Division Notification No. S.R.O. 258(1)/92, dated 16-4-1992. is so directed, more than one post at the same time.

11. Seniority.- (1) The members of the Service referred to in clauses (a) and (b) of sub-rule (2) of rule 3 shall retain the same seniority as is shown in the gradation list as it stood immediately before the commencement of these rules.

(2) Persons appointed to the Service in accordance with these rules shall count seniority from the date of regular appointment against a post in

the Service subject to the following conditions, namely:-

(a)

(b)

(c)

d)

persons selected for initial appointment on the basis of the same competitive examination shall on appointment reckon seniority inter se in accordance with the merit position obtained in that examination;

officers of the Armed Forces selected for appointment to a cadre post on regular basis in a batch shall on appointment retain their seniority inter se:

Provided that officers of the Armed Forces appointed in basic Grade 17 in a year shall be treated as senior to probationers appointed in the same year on the basis of the competitive examination held by Commission.

members of the police cadre of a particular Province selected in a year shall on appointment to the Service take seniority inter se as in the Provincial cadre and in keeping with that sequence, each such member shall reckon his date of regular appointment to the Service from the day the respective vacancy arose in the senior cadre posts reserved in that Province for such officers as specified in the schedule:

Provided that, if the date of regular appointment of officers of two or more Provinces be the same, their seniority inter se shall be determined on the basis of their date of regular appointment to the post of Superintendent of Police;

officers selected for promotion in the same batch shall on promotion retain their seniority as in the lower post; and

(e) ‘the general principles of seniority set out in the Establishment Division O.M. No. 1/16/69-D. II dated the 31st December, 1970, shall apply in matters not covered by these rules.

12. The Police Service of Pakistan (Composition and Cadre) Rules, 1969, are hereby repealed.

THE SCHEDULE POLICE SERVICE OF PAKISTAN CADRE STRENGTH [See rules 4 & 7] I. THE FEDERATION 1. Senior posts: (A) Islamabad Capital Territory:- Inspector General of Police....... 1 Senior Superintendent of Police.. 1 Superintendent of Police.......... 1 Assistant Inspector General of PONCE. Ts cocg ater nauatiat ke 1

‘The principles of seniority stand replaced by Civil Servants (Seniority) Rules, 1993 reproduced under (Sl.No. 138, Chapter-II).

(B) Bureau of Police Research and

Development:-

Director General (I.G.)

1

Directors (D.1.G.) 2

Deputy Director (S.P.) 1

(C) Federal Control Room:- Director, (OSD) Security (D.I.G.) Deputy Directors (S.P.)

(D) — Special Security Cell:- Director (D.I.G.)

Deputy Directors (S.P.)

(E) Intelligence Bureau:-

Director 1 Joint Directors 4 Deputy Directors 13

Assistant Directors 35

(F) Federal Investigation Agency:-

Director General

1 Additional Director General 1 Directors 8 Deputy Directors 25

(G) _ Pakistan Railway Police:-

Inspector General

1 Deputy Inspector General 1

Assistant Inspector General (S.P.) fi

(H) Pakistan Narcotics Control Board:-

Chairman

1

Directors

5

Deputy Directors >

(I) States and Frontier Regions Division:-

Commandant, Frontier Constabulary

TD

10

(Addl. I.G.)

Deputy Commandant, Frontier Constabulary

District Officers,

Frontier Constabulary

Pakistan Motorway Police (M2) Islamabad - Lahore:-

Inspector General

Deputy Inspector General

Superintendent of Police

Total Number of Senior Posts

Leave, deputation and training reserve at 40% of total number of senior posts (143)............ “[Junior posts:-

(a) Islamabad Capital Territory

(b) Frontier Constabulary

(c) Pakistan Motorway Police

13 Total Numbers of Junior Posts 32] Total authorized strength

at the Centre...............

232 “Added & Subs vide Estt. Division Notification No. S.R.O. No.1034(1)/98 dated 9-10-1998. Il. THE PUNJAB Senior posts: Inspector General of Police................. 1 Addl. Inspectors General of Police....... 2 Commandant, Police Training College, Sihala 2.4: i20¢scd sensei eee ce 1 Dy. Inspectors General of Police.......... 13 IRANGCS cccstdc icnandseds 8

(Rawalpindi, Gujranwala, Lahore, Sargodha, Faisalabad, Multan, Bahawalpur and Dera Ghazi Khan).

aK 6:1 9 i omen enre eee rene 1 Telecommunication & Transport............. 1 Commandant, Punjab Reserve

Assistant Inspectors General of Police........ | (Finance, Establishment, Welfare, Legal and Training)

Senior Superintendents of Police................ 5 (Rawalpindi, Lahore, Faisalabad, Multan and Gujranwala).

District Superintendents of Police............... 29

(Kasur, Sheikhupura, Attock, Jhelum, Sargodha, Khushab, Mianwali, Bhakhar, Vehari, Sahiwal, Okara, Muzaffargarh, Bahawalpur, Bahawal Nagar, Rahim Yar Khan, Khanewal, Sialkot, Gujrat, Chakwal, Toba Tek Sing, Jhang, D.G. Khan, Rajan- pur, Leiah and Lahore (Administration, Headquarter, City Cantonment, and Traffic).

Lahore.............. 6 Rawalpindi......... 1 Faisalabad.......... 1

Superintendent of Police, Telecommunication.. Superintendent of Police, Motor Transport..... Superintendents of Police, Control Room....... Addl. Superintendents of Police................... (Faisalabad, Rawalpindi, Gujranwala,

Multan, Sahiwal, Sargodha and Bahawal-

pur).

Deputy Commandant, Punjab Reserve Police....

Total Number of Senior Posts:

No. of posts to be filled by appointment of Provincial Police officers at 40% of total number of senior posts(80)................64- 32

Leave, deputation and training reserve at 40% of the number of senior posts(80).................

Junior posts for ordinary duties.................... Total authorised strength of the Punjab...........

Il. SINDH

I. Senior posts:-

Inspector General of Police............ Addl. Inspector General of Police...... Deputy Inspectors General of Police....

(Karachi, Hyderabad & Sukkur) Headquarters..............

YW Re

80

32

50

CO rR

Assistant Inspectors General............... (Establishment, Telecommunication, Motor Transport and General).

Senior Superintendents of Police........... (Karachi-3, Hyderabad & Sukkur)

District Superintendents of Police.......... (Sanghar, Tharparkar, Badin, Dadu, Thatta, Nawab Shah, Khairpur, Larkana, Jacobabad and Shikarpur).

Superintendents of Police, Crime............ (Sukkur, and Karachi).

Superintendents of Police, Traffic.......... (Karachi-3, Hyderabad,Sukkar & ADIG, Traffic).

Superintendents of Police, Special Branch..... (Headquarters, Hyderabad, Sukkur, Survey, Political Security & Asstt. D.I.G.).

Superintendents of Police, Karachi............. (CIA, Security and Administration)

Commandant, Sindh Constabulary................

Principal, Police Training College, Shahdadpur...

Addl. Superintendents of Police................ (Karachi-4, Hyderabad & Sukkur)

Total Number of Senior Posts: Number of posts to be filled by appointment of Provincial Police Officers at 40% of total number senior posts (54).............665 22

De Leave, deputation and training reserve at 40%

of the total number of senior posts (54)....... 22 3% Junior posts for ordinary duties................ 16 Total authorised strength of Sindh.... 92

IV. THE N.W.F.P.

I. Senior posts:

—

Inspector General of Police.......... Deputy Inspectors General of Police.. 7

(Peshawar, D.I. Khan, Malakand Hazara, and Kohat). Headquarters................4. 1 Special Branch................ 1 Assistant Inspectors General of Police................ 3 (Traffic, Crime and Telecommunication)

Senior Superintendents of Police................. 2 (Peshawar and Abbottabad).

District Superintendents of Police................ 13 (H.Q.Peshawar (Rural), Peshawar (Urban), Mardan, Kohat, D.I. Khan, Bannu, Dir, Swat, Chitral, Mansehra, Kohistan and Karak).

Superintendents of Police, Special Branch..... 4 (Political, Security, Survey and Special Cell)

Superintendent of Police, Crime.......... Superintendent of Police, Traffic........

Addl. Superintendent of Police, Abbottabad... Principal, Police Training School, Hangu........ Director, Forensic Science Laboratory (Crime

S.P., Joint Investigation Team (JIT)........... S.P.3(ask BOMce) ences sevisvitsinsasiesse lee

Total Number of Senior Posts

Number of posts to be filled by appointment of Provincial Police Officers at 40% of total number of senior posts (37)=15

Leave, deputation and training

reserve at 40% of the total number

of senior posts (37)..........:.cceeeeeee

Junior posts for ordinary duties........

Total authorised strength of the NWFP.

V. BALOCHISTAN

1. Senior posts:

Inspector General of Police............. Deputy Inspectors General of Police... RamlGe@S ..csssscseveeeass B

—-— SS SS

37

15

15

67

—

(Quetta, Sibi and Kalat)

Special Branch .... 1 Assistant Inspectors General of Police.... 2 Senior Superintendent of Police........... i District Superintendents of Police 7

Sibi, Kalat, Mekran, Lasbella, Loralai Pishin and Nasirabad). Superintendent of Police, Special Branch..... Superintendent of Police, Crime Branch...... Superintendent of Police, Telecommunication. Superintendent of Police, Motor Transport...

Superintendent of Police, Special

Investigation Cell (SB)...............:ecececeeeeees 1 Commandant, Baluchistan Reserve Police..... if Principal, Police Training School, Quetta..... 1

Total Number of Senior Posts: 22 Number of posts to be filled by appointment of Provincial Police Officers at 40% of total

number of senior posts (22).................065 9

Leave, deputation and training reserve at 40% of the total number of senior posts (22).............0655 9

Junior posts for ordinary duties 6

Total authorised strength of Balochistan................. 37

VI. TOTAL CADRE STRENGTH

[590]

Sl. No. 14

The 1/3 quota reserved for Provincial Police officers of the senior cadre posts in Provinces has been increased to 40 per cent ‘Subs vide Estt. Division Notification No. S.R.O.1034(1)/98,

dated 9-10-1998. with the approval of the Secretary Establishment Division. No formal orders have so far been notified.

[Authority.- Estt. Division U.O. Note No. 286/83 E-3 Police, dated 10-3-1983].

Postal Group SI. No. 15

In continuation of Establishment Division Office Memorandum No. 6/2/75-ARC, dated the 8th May , 1975, it has been decided to constitute another Occupational Group to be called the "Postal Group", comprising all posts in the Pakistan Post Office Department (except the Accounts Posts) and such other posts as may be included in the Group from time to time. The administrative control of the group will vest in the Ministry of Communications and will function within the following broad framework of rules and procedure.

2. Grade I-16.- The posts in Grade 1-16 in the Department will be operated as hithertofore. The existing instructions in regard to direct recruitment and promotion quotas, the composition of Promotion and Selection Committees, the appointing authorities for various scales etc. will continue to apply. All posts to be filled by direct recruitment will be advertised except posts in Grade 16 which will be reported to the Federal Public Service Commission.

3. Grade 17.- Seventy-five per cent posts in Grade 17 will be filled through competitive examination and 25% through promotion. After completion of integrated training at the Academy for Administrative Training, the probationer officers allocated to the Postal Group will undergo departmental training to be followed by an examination, the details of which will be prepared by the Ministry of Communications. Thereafter they will be allocated to various posts in the Postal Group.

4. Grade 18 and above.- The officers in Grade 18 and above in the Department will be administered as hitherto. The procedure for promotions and other matters as laid down in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 will be observed.

5. Officers of this Group will be eligible for Secretariat posts (Deputy Secretary and above) in accordance with the procedure prescribed for recruitment to these posts from time to time.

6. Lateral entry.- In order to meet shortages of officers in the Postal Group, or to meet specific requirements, appointments may be made to posts in the Postal Group in any Grade by recruitment through lateral entry of persons engaged in a profession or in the service of a corporation or private organization, who possess such professional qualifications and experience as may be prescribed from time to time.

7. Seniority: (i) Grade 1I-15.- Seniority lists for all posts in Grade 1-15 will be maintained as hithertofore on the basis of continuous regular officiation in the Grade.

(ii) Grade 16 & 17.- The inter se seniority of direct recruits in Grade 16 will be determined on the basis of the marks obtained at the Federal Public Service Commission examination, whereas the inter se seniority of direct recruits in Grade 17 will be determined on the basis of merit of the probationers determined at the time of final passing out from

the Academy for Administrative Training.

The inter se seniority of officers promoted to Grade 16 and 17 will be determined in their respective Grades with reference to the dates of their regular continuous officiation in the Grade. As for seniority of direct recruits vis-a-vis promoted officers the direct recruits of a particular year will as a class rank junior to the promoted officers of that year.

(iii) Grade 18 and above.- Seniority will be determined in each scale from the date of regular continuous officiation in the Grade.

8. Departmental Examinations.- The present departmental examinations for direct recruits in various scales and for promotion to posts in higher Grades will continue to operate.

9. Provision for accelerated promotion to posts in Grade 17.- To enable bright young persons who have failed to secure through competitive examination conducted by Federal Public Service Commission direct entry to Grade 17 posts to get another opportunity to compete for these posts, or to get accelerated promotion within the Department, the following two provisions are made:-

(a) they can appear in the F.P.S.C. competitive examination upto the age of 30 years provided they have put in at least two years service. A maximum of two chances will be allowed after one has entered Government service.

(b) there will also be departmental examination under which departmental candidates can be considered for accelerated promotion in their own department. The upper age limit for this will be 45 years for the first examination, 40 years for the next examination and 35 years for subsequent examinations.

The Director General, Pakistan Post Office will prepare a scheme for the departmental examination at (b) above and obtain the approval of the Ministry of Communications and the Establishment Division. Promotion on accelerated basis through the above examination will, subject to availability of suitable departmental candidates, be limited to a maximum of 25% of the total vacancies. These promotions will be reckoned against direct recruitment quota.

10. The existing arrangements with regard to _ personnel management in respect of various posts included in the Postal Group will continue. The Director General, Pakistan Post Office, will be responsible for the smooth implementation of the above instructions. He will prepare a scale-wise seniority list of all officers in Grade 16 and above, while the respective Post Masters General will prepare, issue and maintain seniority lists of official of Grade 15 and below as hitherto. The Director General will submit periodical reports to the Establishment Secretary. Any major difficulties which may arise in implementation of these instructions will be resolved in a meeting of the Establishment Secretary, Secretary, Ministry of Communications and the Director General, Pakistan Post Office.

[Authority.- Estt. Division O.M.No.7/2/75-ARC, dated 30-5-1975].

Secretariat Group SI. No. 16

In continuation of the Establishment Division Office Memorandum No. 1/2/75-ARC, dated the 27th January, 1975, it has been decided to constitute another occupational group to be called the "Secretariat Group". The Group will comprise posts of Deputy Secretary and above in the Federal Secretariat and such posts in the Provincial Secretariats as are borne on the cadre of All-Pakistan Unified Grades.

2. The Secretariat Group will be under the administrative control of

the Establishment Division and will function in accordance with the rules and procedure outlined below.

3. Deputy Secretary.- Appointment to the post of Deputy Secretary will be made in accordance with the following methods:-

(i) By promotion of Grade 18 officers of the Office Management Group and the Secretariat Group on the recommendations of the Central Selection Board.

“Gii) By horizontal movement from other Occupational Groups of

Grade 19 Officers who have been recommended by _ the Ministries/Divisions/

“Subs vide Estt. Division

O.M.No.2/1/79-R.IL, dated 12-6-1979.

Departments or Provincial Governments and have been found fit by the Central Selection Board.

(iti) | By direct appointment on the recommendations of Federal Public Service Commission of persons possessing such qualifications and experience etc., as may be prescribed. ‘[ ]

4. Joint Secretary.- Appointment to the post of Joint Secretary will be made as under:-

(i) By promotion of officers in the Grade of Deputy Secretary on the recommendations of the Central Selection Board.

(ii) By horizontal movement of such Grade 20 officers of the various occupational groups as are recommended by the Ministries/ Divisions, Departments, Provincial Governments etc. and are found fit by the Central Selection Board.

(iti) By direct appointment on the recommendations of the Federal Public Service Commission of persons possessing such qualifications and experience etc.,as may be prescribed. '[ ]

5. Additional Secretary.- Appointment to the post of Additional Secretary will be made by selection from amongst Joint Secretaries, officers of Grade 20 and above belonging to the various occupational groups, and professionally qualified persons in the public sector enterprises and the private sector.

6. Secretary (Grade 22).- Appointment to the post of Secretary will be made by selection from amongst Additional Secretaries, officers of Grade 21 and above in the various occupational groups and professionally

qualified persons from the public sector enterprises and the private sector. "Omitted vide Estt. Division

O.M.No.2/2/75-ARC, dated 7-5-1976.

7. Provincial Secretariats.- All posts of Deputy Secretary and above in the Provincial Secretariats borne on the cadre of All-Pakistan Unified Grades will be filled on All-Pakistan basis. The selection will be made from amongst officers of the Secretariat Group by promotion, on _ the recommendations of a Selection Board headed by the Establishment Secretary and consisting of all the Chief Secretaries. Officers of the Office Management Group of the Provincial Government will also be eligible for appointment by promotion to the post of Deputy Secretary in the Provincial Secretariat.

8. Seniority.- Deputy Secretary.- Seniority would be determined from the date of continuous regular officiation as Deputy Secretary, or in a

post in Grade 19, whichever is earlier.

9. Joint Secretary.- The seniority of a Joint Secretary which is a

post in Grade 20 will be determined from the date of his continuous regular officiation in Grade 20.

10. Additional Secretaries and Secretaries.- The seniority of Additional Secretaries and Secretaries will be determined from the date of continuous regular officiation in Grade 21 or 22 as the case may be.

11. Training.- Deputy Secretaries and Joint Secretaries appointed on the recommendations of Federal Public Service Commission will undergo a training course of appropriate duration, before their appointment in the Secretariat.

12. In-service training will be an important factor towards determining the fitness for promotion of a Secretariat Officer to the next higher Grade.

13. General.- Horizontal movement of officers of this Group to posts in equivalent Grades in the other occupational groups will be permissible.

14. The terms and conditions of Government servants belonging to this Group will be governed, as in the case of other Government servants, by the provisions of the Civil Servants Act, 1973, and rules and orders issued thereunder from time to time.

15. This supersedes Establishment Division O.M. No. 2/2/75- ARC, dated the 21st February, 1975.

[Authority.- Estt. Division O.M. No. 2/2/75-ARC, dated 12-4-1976]. Sl. No. 17

It has been decided with the approval of the Prime Minister that Government servants in the following Grades will now be eligible for

appointment to Secretariat posts, indicated against each, by horizontal movement and without examination:-

Grade 20 .... Joint Secretary. Grade 19 oe ee eseassaee Deputy Secretary. Grade 18 with 12 Years service

in Grade 17 and above Deputy Secretary.

2. The appointment will, however, be made if they are considered fit for these posts by the Central Selection Board.

3. You are requested to kindly let us have recommendations of suitable officers in the above categories working in groups and departments under your administrative control whom you consider fit for the posts of Deputy Secretary and Joint Secretary. These names will then be placed before the Central Selection Board.

[Authority.- Establishment Secretary's D.O. letter No.25/14/73-AV. dated 6-2-1975].

Sl. No. 18

According to para 10 of the Establishment Division Office Memorandum No. 2/2/75-ARC, dated 21st February, 1975, the seniority of Joint Secretary which is a post in Grade 20 will be determined from the date of his continuous regular officiation in Grade 20. Some doubt seems to exist about the correct interpretation of this provision. The provision is explained below.

2. Posts on which was formerly Senior Administrative Grade were placed in National Pay Scale No. 20 with effect from 1st March, 1972. Therefore, the holders of Senior Administrative Grade could not be said to be in Grade 20 earlier than 1st March, 1972. Consequently, the seniority of an officer who had been holding a post in Senior Administrative Grade and was later appointed as Joint Secretary would be reckoned from Ist March,

1972, or the date of appointment as Joint Secretary, whichever is earlier. [Authority.- Estt. Division O.M.No.1/1/75-ARC-II, dated 4-4-1973].

Change of Occupational Groups/Services

Sl. No. 19

Ministries/Divisions/Provincial Governments should not forward applications/representations relating to change of occupational groups to the Establishment Division.

2. All Ministries/Divisions/Provincial Governments are requested to comply with these instructions so as to reduce the problems arising out of numerous requests for change of groups and in keeping with the principles of sound personnel management.

[Authority.- Paras 3&4 of Estt. Division O.M.No. 1/4/88-T.V(Pt.XII), dated 24-4-1990].

Initial Training of the Probationers appointed to various Groups/Services

on the Results of the Annual Competitive Examination held by the FPSC

Sl. No. 20

In partial modification of Establishment Division's Office Memoranda (listed from Serial 1-11 at Annexure) the government has decided that notwithstanding the provisions relating to the training of probationers of occupational groups/services contained in the said office memoranda the probationers of one or more groups/services may

henceforth be required to undergo and successfully complete their initial training separately or collectively as the case may be at one or more training institutions and places as may be specified by government from time to time. It may be further stated that initial training shall be followed by respective departmental specialized or on the job training as the case may be for these occupational groups/services.

2. The probationer who fails to comply with the provisions of these rules or to obey any order which he/she obtains from government or from Director/Head of the training institution or from any other duly constituted

authority or who neglects his probationary studies, or is guilty of conduct unbecoming an officer of an occupational group/service shall be liable to removal from group/service or to such other action as the competent authority may direct as provided for under the Government Servants (Efficiency and Discipline) Rules, 1973.

3. This Office Memorandum shall also apply to probationers appointed to other groups not specified in the Annex to this O.M. including Railway (Commercial & Trade) Group who are appointed on the results of the annual competitive examination held by the FPSC.

[Authority.- Estt. Division O.M. No. 1/36/82-T.V, dated 8-4-1990].

ANNEXURE

PROVISIONS RELATING TO THE TRAINING OF PROBATIONERS

Name of the Reference to the paragraph and the Estt. Group/Service Division O.M. containing the provisions. [, Accounts

GroupParagraph 4(e) of O.M.No.1/2/74-ARC, dated 23.1.1974 constituting the Group.

2. Commerce & Paragraph 4 of O.M. No. 6/2/75-ARC, dated Trade Group the 8-5-1975 constituting the Group.

3. Customs & Paragraph 3 of O.M. No.5/2/75-ARC, dated Excise Group 9-5-1975 constituting the Group. 4. District Paragraph 3 of O.M.No.2/2/74-ARC, dated Management 23-2-1974 constituting the Group.

Group 5. Foreign Service Paragraph 3 of O.M.No.3/2/74-ARC, dated of Pakistan 8.4.1974 constituting the service/Group. 6. Income Tax Paragraph 3 of O.M. No.4/2/75-ARC,dated Group 9.5.1975 constituting the Group. 7. Information Paragraph 4 of O.M. No. 2/8/75-ARC, dated Group 17.6.1977 constituting the Group.

8. Military Lands _—_‘ Paragraph 4 of O.M. No.9/2/75-ARC, dated and Cantonment 11.5.1975 Group constituting the Group

9. Office Paragraph 8(a) of O.M.No.1/2/75-ARC, Management dated 27.1.1975 constituting the Group. Group

10. Police Service Paragraph 3 of 3/2/75-ARC, dated of Pakistan 31.5.1975 constituting the Group/Service.

11. Postal Group Paragraph 3 of O.M. No. 3/2/75-ARC, dated 30.5.1975 constituting the Group. CHAPTER XV

FEDERAL PUBLIC SERVICE COMMISSION

(1233 - 1234)

FEDERAL PUBLIC SERVICE COMMISSION FEDERAL PUBLIC SERVICE COMMISSION

*Constitutional Provisions

SI. No. 1:

Extracts from the Constitution of the Islamic Republic of Pakistan, 1973.

Article 242

(i) Parliament in relation to the affairs of the Federation and the Provincial Assembly of a Province in relation to the affairs of the Province, may, by law, provide for the establishment and constitution of a Public Service Commission.

(it) The Chairman of the Public Service Commission constituted in relation to the affairs of the Federation shall be appointed by the President in his discretion.

(iii) A Public Service Commission shall perform such functions as may be prescribed by law.

Federal Public Service Commission Ordinance, 1977

SI. No. 2:

ORDINANCE No. XLV OF 1977 AN ORDINANCE

to repeal and, with certain modifications, re-enact the Federal Public Service Commission Act, 1973

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Federal Public Service Commission Act, 1973 (LXVI of 1973);

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No.1 of 1977), and in exercise of all powers

*For the Constitutional Provisions in the Constitutions of Islamic Republic of Pakistan 1956 and 1962, please see Annexures III & IV.

enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Federal Public Service Commission Ordinance, 1977.

(2) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "Commission". means the Federal Public Service Commission; and

(b) "member" means a member of the Commission and includes the Chairman thereof.

3. Composition of Commission, etc.—(1) There shall be a Federal Public Service Commission.

(2) The President shall by regulations determine —

(a) the number of members of the Commission and _ their conditions of service; and

(b) the number of members of the staff of the Commission and their conditions of service:

Provided that the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.

(3) The Chairman and other members of the Commission

shall be appointed by the President. (4) *[The Commission shall have—

(a) not less than one half of the members who shall be persons having held in the service of Pakistan in basic pay scale 21 or above post:

Provided that no serving Government servant shall be appointed as a member;

*Subs vide FPSC (Amendment) Ordinance No.LVI of 2000, dated 17-11-2000.

(b) Atleast one member each from— i. retired judges of the superior judiciary;

ii. retired officers not below the rank of Major-General or equivalent of the Armed Forces; and

iii. women and the private sector possessing such qualification and experience as the Federal Government may by rules prescribe].

*[(5) No proceedings or act of the Commission shall be invalid merely on the ground of the existence of a vacancy in, or a defect in the constitution of the Commission].

4. Term of office of members, etc.— **[(1) A member of the Commission shall hold office for a term of five years from the date on which he enters upon office

and shall not be eligible for re-appointment]:

(2) A member may resign his office by writing under his hand addressed to the President.

*J4A. Oath of Office—Before entering upon office the Chairman and a member shall make oath in the form set out in the Schedule to this Ordinance before the President in case of Chairman and before the Chairman in case of a member].

5. *([Ineligibility for further employment.—On ceasing to hold office a member shall not be eligible for further employment in the service of Pakistan].

5A. *[Appointment of a serving member as a Chairman— A serving member of the Commission shall be eligible for appointment as Chairman for a term not exceeding the unexpired portion of his term as such member].

“Amended vide Federal Public Service Commission Ordinance No. LI/1980 dated 1-10-1980. **Subs. and Added vide Federal Public Service Commission Ordinance No.LVI of 2000, dated 17-11-2000.

6. Removal from office A member shall not be removed from office except in the manner applicable to a Judge of a High Court.

*[7. Functions of the Commission.—(1) The functions of the Commission shall be—

(a) **[to conduct tests and examinations for recruitment of persons to:

(ii) | All-Pakistan Services, the civil services of the Federation and civil posts in connection with the affairs of the Federation in basic pay scale 16 and above or equivalent;].

(b) to advise the President—

(i) On matters relating to qualifications for and method of recruitment to, services and posts referred to in clause (a);

(i) On the principles to be followed in making initial appointments to the services and posts referred to in clause (a) and in making appointments by promotion to posts in BS 18 and above and transfer from one service or occupational group to another; and

(iii) On any other matter which the President may refer to the Commission; *[and]

***T(¢) to hold examinations for promotion for such posts as the Federal Government may, from time to time, by notification in the official Gazette, specify].

Explanation.—In this section, “recruitment” means initial appoint-ment other than by promotion or transfer.

(2) Recruitment to the following posts shall be outside the purview of the Commission: — (i) Inthe President's Secretariat;

(ii) Filled by appointing a person on contract for a specified period not exceeding two years;

*Subs vide Federal Public Service Commission (Amendment) Ordinance No.LVI of 2000 dated 17-11-2000.

**Sub vide FPSC (Amendments) Ordinance III of 2003 dated 23.5.2003

***Subs and added vide Ordinance No.XLIX of 2002 dated 3.9.2002.

(iii) Filled on ad hoc basis for a period of six months or less provided that—

(1) No ad hoc appointment shall be made before placing a requisition with the Commission for regular appointment; and

(2) Before filling the post on ad hoc basis, prior approval shall be obtained from the Commission;

(iv) Filled by re-employing a retired officer, provided that the re- employment is made for a specified period not exceeding two years in a post not higher than the post in which the person was employed on regular basis before retirement; and

(v) Filled by the employment or re-employment of persons on the recommendations of the High Powered Selection Board constituted by the President who are, or have been, Officers of the Armed Forces and hold, or have held, such posts therein as are declared by the President to be equivalent to the posts to be so filled].

*[(3) (a) A candidate aggrieved by any decision of the Federal Public Service Commission may, within thirty days of such decision, make a representation to the Commission and the Commission shall decide the representation within fifteen days after giving the candidate a reasonable opportunity of hearing. The decision of the Commission, subject to the result of review petition, shall be final.

(b) A candidate aggrieved by the decision of the Commission made under paragraph (a) may, within fifteen days of the decision, submit a review petition to the Commission and the Commission shall be decide the review petition within thirty days under intimation to the petitioner.

(c) Save as provided in this Ordinance, no order made or proceeding taken under this Ordinance, or rules made thereunder, by the commission shall be called in question in any court and no injunction shall be granted by any court in respect of any decision made or taken in pursuance of any power conferred by, or under, this Ordinance.

(d) Any candidate aggrieved by a decision of the Commission under paragraph (b) may, within thirty days of the decision, prefer an appeal to the High Court].

*Added vide Federal Public Service Commission (Amendment) Ordinance No.XVI of 2001, dated 27-3-2001.

*[7-A. Conduct of business of Commission, etc.-The Chairman of the Commission may, with the approval of the Federal Government, make rules for regulating the conduct of the business of the Commission; and such rules may provide for any of the functions of the Commission specified by it being performed by a Committee composed of two or more members constituted by the Chairman for the purpose].

**/Validation.—All appointments of persons who are or have been, officers of the Armed Forces of Pakistan, made on or after the fifth day of July,1977 but

before the twenty-fifth day of June, 1980, without reference to the Federal Public Service Commission shall be deemed to have been validly made].

8. Commission to be informed when its advice not accepted.—Where the President does not accept the advice of the Commission, he shall inform the Commission accordingly.

9. Reports of Commission.—(1) It shall be the duty of the Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the National Assembly and the Senate.

(2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission.

(a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefor; and

(b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons therefor.

10. Rules.- The Federal Government may, by notification in the official Gazette, make rules, for carrying out the purposes of this Ordinance.

11. **Omitted.

*Added vide Federal Public Service Commission (Amendment) Ordinance No.XXV of 1978, dated 24-5-1978

**Added vide Federal Public Service Commission (Amendment) Ordinance No.LI of 1980.

**Qmitted vide Federal Public Service Commission Ord. No. XLV of 1977, dated 17-12-1977.

*[SCHEDULE [(See section 4A)]

I, do solemnly swear that | will bear true faith and allegiance to Pakistan:

That, as a Chairman (or Member) of the Federal Public Service Commission | will discharge my duties, and perform my functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well- being and prosperity of Pakistan.

That, | will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, | will act without fear or favour, affection or ill will.

May Allah Almighty help and guide me (A’meen).

MUHAMMAD RAFIQ TARAR President.

[Authority.— Federal Public Service Commission Ordinance No.F.24(1)/77-Pub.,dated 17-12-1977].

*Added vide Federal Public Service Commission (Amendment) Ordinance No. LVI of 2000 .

Federal Public Service Commission (Composition and Condition of Service) Regulations, 1978

Sl. No. 3

In exercise of the powers conferred by sub-section (2) of section 3 of the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), the President is pleased to make the following regulations:-

PART I.- PRELIMINARY

1. Short title.- These regulations may be called the Federal Public Service Commission (Composition and Condition of Service) Regulations, 1978.

2. Definitions.- In these regulations, unless there is anything repugnant in the subject or context,-

(a) "Commission". means the Federal Public Service Commission; and

(b) "Member" means a Member of the Commission and, unless there is anything repugnant in the subject or context, includes the Chairman thereof.

PART II.- MEMBERS

3. Composition.-The Commission shall consist of a Chairman and not more than five members:-

“[Provided that if, at any time, by reason of an increase in the business of the Commission or for any other reason, it becomes necessary to increase temporarily the number of members, the Prime Minister may

appoint such number of additional members as appears to him to be necessary.]

“Added vide Estt. Division S.R.O. 511(1)/87 dated 17-6-1987.

4. Pay, allowances and other terms of Chairman.- (1) If a serving Government servant is appointed as Chairman, he shall draw pay as admissible to him as such Government servant:

Provided that a serving Government servant who is promoted to a higher grade after his appointment as Chairman shall draw pay in the higher grade to which he is promoted from the date of such promotion.

(2) If a retired Government servant is appointed Chairman, he shall draw pay as admissible on re-employment in accordance with the rules in force from time to time.

(3) The Chairman if he is retired officer of the Armed Forces who has held the rank of Lieutenant General or equivalent shall be allowed pay, allowances and other terms as given in Schedule I to these regulations.

5. Pay of Members.- (1) If a serving Government servant is appointed as Member, he shall draw pay as admissible to him as such Government servant:

Provided that a serving Government servant who is promoted to a higher grade after his appointment as Member shall draw pay in the higher grade to which he is promoted from the date of such promotion.

(2) If a retired Government servant is appointed as Member he shall draw pay in the grade in which he retired, in accordance with the rules applicable on re-employment to retired Government servants.

6. Allowances.- A Member shall be allowed all such allowances including Senior-Post Allowance, Entertainment Allowance, Local

Compensatory Allowance, Conveyance Allowance or free use of official car in lieu thereof, as are sanctioned by Government for officers of the corresponding grade under the Government.

7. Leave.- A Member shall be allowed leave as admissible to Government servants of the corresponding grade:

Provided that the grant of leave will depend on the exigencies of service and will not be claimed as a matter of right:

Provided further that, if the leave applied for by a Member during the tenure of his office is refused, he may be granted leave admissible to him after the expiry of the tenure of office.

8. Travelling allowance, etc.- A Member shall be allowed Travelling Allowance, facilities for medical treatment and orderly at residence as admissible to officers of corresponding grades under Government.

9. Pension.- (1) No pension shall be attached to the office of member as such; but in the case of a Member who at the time of his appointment was a Government servant and was employed in a pensionable post, service rendered as Member shall count for pension under the rules applicable to him before his appointment as Member.

(2) A Member who is a re-employed retired Government servant shall not be entitled to any pension or gratuity in respect of his service as Member.

(3) A Member who was neither a Government servant nor a retired Government servant at the time of his appointment as Member shall be entitled to gratuity equal to one month's pay for each completed year of

service as Member, subject to the gratuity not exceeding eight months' pay.

10. Other matters.- In respect of any matter which is not covered by these regulations, a Member shall be governed by the rules or orders applicable to officers of the corresponding grade under Government, or as may, in any particular case, be determined by the President.

PART III.- STAFF

11. Staff.- The Staff of the Commission shall be as set out in Schedule II to these regulations.

12. Appointment of Secretary.- The Secretary shall be appointed from amongst serving Government servants by the President or, a person authorized by him, in consultation with the Commission.

13. Term of office of Secretary.- The Secretary shall hold office ordinarily for a term of four years; but the President may extend the term, or curtail it, as the President may deem appropriate.

14. Age of retirement of Secretary.- No person shall, unless the President otherwise directs, be appointed as Secretary, or continue to hold office as Secretary, after he has attained the age for the time being fixed for the retirement of Government servants from service.

15. Pay and allowances of Secretary.- The Secretary shall draw pay and allowances as admissible to him as a serving Government servant.

16. Appointment of officers of the Commission in Grade 17 and above.- Officers in Grade 17 and above shall be appointed by the Commission with the approval of the President or of a person authorized by the President to make appointments to corresponding grades under Government.

17. Appointment of staff.- The staff in Grade 16 and below shall

be appointed by the Chairman or any other officer authorized by the Commission in consultation with the Establishment Division.

18. Terms and conditions of service of officers and staff.- The terms and conditions of the Secretary and other officers and staff of the Commission shall be the same as of civil servants of corresponding grade under Government and they shall be governed by the Civil Servants Act 1973 (LXXI of 1973), and the rules made thereunder.

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“SCHEDULE I

[See Regulation 4(3)]

PAY, ALLOWANCES AND OTHER TERMS OF THE CHAIRMAN FEDERAL PUBLIC SERVICE COMMISSION

UNDER REGULATION 4(3)

Pay

Equipment Allowance Sumptuary Allowance TA/DA/Medical facilities Leave

House

Furnishing Allowance

Gas/Electricity and Water Charges

Air Conditioner

Gas Heater

Orderly Allowance

Rs 16,500 per month. Rs 5000 (one time). Rs 5000 per month. As admissible under rules applicable to civil servants. Free house hired at a rental ceiling not exceeding Rs.15,500 per month. One time furnishing Allowance of Rs.100,000/- for the initial and extended period of tenure. AS admissible to a Minister of State. Two Two Rs. 1,900/- per month.

‘Subs vide Estt. Division Notification No. S.R.O 1139(1)/97 dated 06-11-1997.

11. — Subsidy on account of maintenance of garden at residence Rs. 1,900/- per month

12. Telephone at Office/residence No limit

13. Official Car A Chauffeur driven official Car of 1600cc capacity for official and private purposes.

SCHEDULE II

[See Regulation IT] Number of Members of the staff of Federal Public Service Commission.

S.No. Name of Post Number of Post 1 Secretary

2 Director

a Deputy Director 4. Senior Psychologist bs) 6 7 8

RS eS BR We

Junior Psychologist Assistant Director P.S. to Chairman Research Officer

— Nn

9 Examiner-in-Shorthand 10 Tester

Wie Assistant-in-Charge 12 13

WN KR ee

Statistical Assistant Draftsman-cum-Artist

—

14. 15. 16. 17. 18. 19. 20. AG ze: pre 24. 2D: 26. par 28. 29.

SI. No. 4:

In exercise of the powers conferred by section 10 of the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), the Federal Government is pleased to make the following rules, namely: —

Librarian 1

Confidential Assistant 3 Assistant 34 Stenographer 13 Stenotypist 21 Upper Division Clerk 21 Lower Division Clerk 20 Duplicate Machine Operator 2 Record Sorter 3 Staff Car Driver 3 Daftry 9 “Peon 37 “Jamadar 1 Farrash/Chowkidar 5 Mali-cum-Chowkidar 1 “Khakroob 3

Federal Public Service Commission (Functions) Rules, 1978

1. These Rules may be called the Federal Public Service Commission (Functions) Rules, 1978.

2. In these rules, unless there is anything repugnant in the subject or context,—

(a)

(b)

(c) (d)

"ad hoc basis", when used with reference to an appointment, means appointment of a person on temporary basis pending appointment of a person nominated by the Commission;

“civil servant’ means a person who is, or has been, a civil servant within the meaning of the Civil Servants Act, 1973 (LXVI of 1973);

*Omitted. "regular basis" when used with reference to an appointment,

means appointment other than on ad hoc basis, or on contract, or on a temporary basis, for a specified period;

(e) "retired officer" includes a retired officer of the Armed Forces; and

(f) "test" includes written examination, interview and viva voce.

3. **[(1) The Commission § shall conduct tests and

examinations for recruitment to all posts— (i) in connection with the affairs of the Federation in basic pay scales 16 and above or equivalent

***T instructions with drawn)

*Omitted vide Establishment Division Notification S.R.O. No.147(1)/84, dated 9-2-1984.

**Subs vide Establishment Division Notification S.R.O. No.415(I)/2000, dated 19-6-2000.

***\With drawn vide Ordinance No.Ill of 2003 dated 28.5.2003 but expired after 4 months and a revised bill is under submission to the National Assembly.

SCHEDULE

[See rule 3 (a)]

POSTS EXCLUDED FROM THE PURVIEW OF THE COMMISSION

Ministry, Division or Organization. Name of post

President's Secretariat All posts]. (Personal or Public)

4. The Commission shall test civil servants appointed at any time between the first day of January, 1972 and the fifth day of July, 1977, or promoted to a higher post during the said period whose cases may be referred to the Commission by the President, and make a report to the President whether they are fit to hold the post to which they were appointed or promoted, as the case may be, and, if not, whether they are fit to hold any other civil post *[equivalent or lower, as the case may be] compatible with their qualifications and experience.

*Subs vide Establishment Division Notification S.R.O. No. 147(1)/84 dated 9-2-1984.

*[5. The Commission shall, on a reference made by the appointing authority, test persons who may have been appointed to a civil post without observing the prescribed procedure or without fulfilling the prescribed qualifications, experience and age limits, and advise whether they are fit to hold the post to which they were appointed, and , if not, whether they are fit to hold any other civil post in the same or lower Basic Scale compatible with their qualifications and experience].

*Added vide Establishment Division Notification S.R.O. No.848(1)/2002, dated 27.11.2002.

SCHEDULE

[See Rule 3(a)]

POSTS EXCLUDED FROM THE PURVIEW OF THE COMMISSION

Ministry/Division 1. All Ministries 2. Ministry of Foreign Affairs 3. Intelligence Bureau

4. Defence Production

Name of post Private Secretaries to Ministers and Ministers of State. Posts connected with cypher control and management

All posts. (1) All posts in the Pakistan Ordnance Factories

Division and Project p.711.

(2) All posts under the Pakistan Space and Upper Atmosphere Research Committee.

5. Defence Division (1) All posts in the Directorate General, Inter Services Intelligence.

*[(2) The post of Civilian Intelligence Operator (BS-17) in Survey Section, Military Intelligence Directorate, GHQ.]

**1(3) Posts connected with defence projects.]

**1(4) All posts in BPS-16 and above in the PAF Public School Lower Topa Murree under Ministry of Defence.]

6. ® Prime Minister's Prime Minister's Office all posts in BPS-16 and above.] Secretariat

7. [Revenue _ Division (i) Posts of Senior Auditor (BS-16) in the Sales Tax Department under the Central Board of Revenue.

(it) | Posts of Computer Operator (BS-16) in the Sales Tax Department under the Central Board of Revenue.]

Note.—The exclusion, from the purview of the Federal Public Service Commission, of posts in Serial No.7, shall be a one time exemption for recruitment of officers or Officials.

[Authority.—Establishment Division Notification S.R.O. No. 1316 (I)/78, dated 9-11-1978].

*Re-numbered (1) and Added (2) vide Establishment Division Notification S.R.O.No.1221(1)/97, dated 3-12-1997.

**Added vide Establishment Division Notification S.R.O. No. 836(1)/98, dated 21-7-1998.

***Added vide Establishment Division Notification S.R.O. No.1052(1)/98, dated 16-10-1998

@added vide Establishment Division Notification S.R.O. No. 1003(1)/98, dated 28-9-1998.

@@ added vide Establishment Division Notification S.R.O. No. 477(I)/99, dated 14-4-1999.

Sl. No. 5

Reference.- Section 7 of the Federal Public Service Commission Ordinance, 1977 (No. XLV of 1977).

The Federal Public Service Commission (Functions) Rules which prescribe the posts in connection with the affairs of the Federation recruitment to which should be made through the Commission. These rules provide that all posts in BPS 16 and above which are filled by direct recruitment shall be filled through the Federal

Public Service Commission. The rules also provide that appointments against these posts may be made on ad hoc basis, independently of the Commission for a period of six months but an extension for a further period of six months may be given, with the approval of the Commission, if a requisition for filling the post was sent to the Commission within one month of the filling of the post on ad hoc basis. The Ministries and Divisions are requested to ensure that all posts in BPS 16 and above falling in the direct recruitment quota should, as in the past, continue to be filled through Federal Public Service Commission. No extension in ad hoc appointments would be given unless a requisition has been placed with the Commission and Commission's approval to the extension of the ad hoc appointment for a further period of six months has been obtained by the Ministry concerned.

3. It will also be observed from clause (b) of section 7 of the Federal Public Service Commission Ordinance, 1977, that the Commission will advise the President on matters relating to qualifications for, and methods of recruitment to, the services and posts recruitment to which is required to be made through the Commission. This being a statutory requirement should invariably be observed. It is open to the Ministry/Division concerned either to make a simultaneous reference on the

subject to the Establishment Division and the Federal Public Service Commission, or to first consult the Establishment Division and thereafter make a reference to the Commission. If there have been any cases after the 22nd December, 1977 when the F.P.S.C. Ordinance came into force, where the concurrence of Establishment Division was obtained but not that of the Commission, an immediate reference may now please be made to the Commission so that the requirements of the statute are complied with. Attention in this connection is also invited to the Federal Public Service Commission's Circular letter No.F. 12/1/78-S, dated 12th August, 1978.

[Authority.- Estt. Division O.M.NO.1/2/78-DV, dated 27-8-1978]. Sl. No. 6

Procedure for rejection of the advice of the Federal Public Service Commission.- In supersession of the Cabinet Secretariat (Establishment Branch) Office Memorandum No. 10/3/50-SEII, dated the 13th June, 1950, on the subject of the Convention regarding acceptance of the advice of the Federal Public Service Commission, the Government have been pleased to decide that the advice of the Federal Public Service Commission in a case referred to it shall be accepted by the Ministry/Division/ Department concerned, subject to the provisions of para 2, below.

2. Where a referring Ministry, Division or Department disagrees with the advice given, it shall communicate the reasons for disagreement to the Commission, and after the Commission has expressed its further views in the matter, the case will be submitted for decision to the President through the Establishment Division.

[Authority.- Estt. Division O.M. No. 3/3/59-E VII, dated 4-6-1960].

Sl. No. 7

Withdrawal or Change of Requisition by the Administrative Ministries/Divisions/Departments for posts already advertised by the Commission.- It has been decided that:-

i) The requests received from Ministries/Divisions, Departments for withdrawal of cases wherein interviews have been started or nominations finalised would not be accepted. Zhe sponsoring Ministry/Division/Department should appoint the Commission's nominees even if the abolished post(s) had to be revived.

il) Other requests for withdrawal of requisitions would be entertained on the basis of merit of each case if the prescribed procedure has been followed.

[Authority.- Para 4(i)&(ii) of Estt. Division O.M. No.10(6)91/CP-I, dated 28-7-1991]. SI. No. 8

Supply of Character Rolls to the Commission.- The Commission have noticed that many Character Rolls they receive in connection with selections, appointments, etc., are incomplete. Sometimes reports for several years are missing, making it difficult for the Commission to determine the suitability of the officers concerned for the posts for which they are being considered. The Commission, therefore, request the Ministries/ Divisions to satisfy themselves that Character Rolls are complete and up-to-date before sending them to the Commission.

[Authority.- Federal Public Service Commission O.M.No.F.16/17/53-S, dated 24-4-1953].

Sl. No. 9

The Commission have further noticed that many Character Rolls are sent by the Ministries/Divisions etc. after long delays and several reminders from the Commission's Office. The Commission cannot finalize a recruitment until they have seen the Character Rolls of the candidates who are in Government service. It is, therefore, requested that the Ministries/Divisions and the Heads of the Departments should forward the Character Rolls as quickly as possible on demand by the Commission.

[Authority.- Federal Public Service Commission O.M.No.F.1/30/53-R, dated 6-12-1956].

Sl. No. 10

Nomination of Departmental Representatives to assist the Commission at the interviews for various posts.- The Federal Public Service Commission has observed that the Government's instructions, are not being followed strictly by the Ministries/Divisions/Departments while nominating Departmental Representatives to assist the Commission at the interviews for recruitment to various posts. The Commission has also noted with profound regret that its requests to Ministries etc. concerned to nominate Departmental Representatives of relevant trades (subject wise) of sufficiently higher status i.e. not below the rank of Joint Secretary and or Technical Head of the line are not being complied with.

2. Recently during interviews of candidates for certain technical/specialist posts the Departmental Representatives deputed to assist the Commission were officers on administrative side who were not sufficiently senior in their own departments and/or qualified in technical line. In order to assess the professional competence of the candidates properly and accurately it is necessary that senior officers of technical departments with requisite qualifications are deputed by the Ministries/etc. to assist the Commission at the interviews for appointment to the scientific, technical and specialist posts. One of the draw backs of Government representation at junior level is obvious from some instances in which the Ministries/Divisions/Departments find it necessary to repudiate the contribution made by their own Representatives at the interviews, on the grounds that they were not sufficiently experienced and therefore could not represent the point of view of their Ministries/Divisions/Departments authoritatively.

3. The Commission fully realises that from the point of view of Departmental Representatives interviewing of candidates at the four normal centres viz: Peshawar, Islamabad, Lahore and Karachi is a time consuming job, in order to finish one complete cycle for any appointment. For Grade 18 and above posts the Commission generally conducts interviews at one centre, but for others the Commission has to go to each place of interviews.

4. In repeating its invitation to the Ministries etc. the Commission hopes earnestly that at the interviews fixed by the Commission for selection of their candidates, their Representation will invariably be not below the rank of Joint Secretary or Head of Technical Department.

5. In case of technical posts the Commission would request that the Heads of Technical Departments concerned should invariably be nominated for this purpose who will take full responsibility for giving the views of his Department to the Commission. It is further requested that, as far as possible, the same Representative should be deputed at all interview centres for a particular post, in order to ensure uniformity of standards. If the Ministries/Divisions/Departments are not in a position to nominate a suitable Departmental Representative of the right status then the Commission will do without him and issue the recommendations for appointment without such help.

[Authority.- Federal Public Service Commission O.M.No.F.1/20/80-RIV, dated 19-4-1981].

Sl. No. 11

Variation between views of Departmental Representatives at the interview and Commission's advertisements for various posts.- There have

been some cases where Departmental Representatives have before an interview, suggested that they choose person with a particular qualification. This particular qualification has no particular emphasis in the advertisement and, therefore, it is grossly unfair on the candidates who come in response to that advertisement.

3. As far as the Commission is concerned it only relies on the Recruitment Rules. It would be in the interest of Departments to review their Recruitment Rules so that there is no conflict between the Recruitment Rules and the Departmental Representatives. The Commission will, while taking the advice of the Departmental Representative, reserve the right to recommend only those who are in line and in accordance with the advertisement.

[Authority.- Paras 1 & 3 of Federal Public Service Commission letter No. F.1/35/78-RIV dated 29-1-1979].

SI. No. 12

Criteria for counting of prescribed length of experience for recruitment to various posts.- Attention is invited to the Establishment Division's O.M. No. 39/3/75-DV (Pt), dated the 22nd October, 1976, and clause 'c' of para 19 of the "INSTRUCTIONS TO CANDIDATES". A copy of these instructions is duly supplied to the candidates alongwith the prescribed application forms. In all the posts which are advertised by the Commission for selection on the basis of interview only, certain period of experience is generally prescribed for such posts, alongwith academic qualifications. In such cases the Commission considers that experience relevant which is obtained after acquiring the minimum prescribed educational qualifications for the post. Experience obtained before acquiring the minimum prescribed educational qualification even if it is of the same line, is not taken into consideration.

2. The above procedure has often resulted in the rejection of

candidates who happen to be the ad hoc incumbents of the post or employed in some other capacity in the same department. Applications of all the candidates are duly considered by the Commission but candidates who fall short of the required experience after the prescribed minimum academic qualifications are not called for interview. This results in the representations from the candidates or even from the departments who are keenly interested in the regularization of their ad hoc incumbents. The Establishment Division memorandum referred to above and a copy of the “INSTRUCTIONS TO THE CANDIDATES' is, therefore, brought to the notice of the department to enable them to know the procedure being followed by the Commission for pre-selection of candidates for interview, etc. For obvious reasons the Commission can not deviate from the procedure once laid down and known to all.

3. However, there may be cases in which experience gained before acquiring the prescribed minimum educational qualifications may also be considered relevant by Ministries, etc. For example for a medical post where post-graduate Diploma is prescribed as a minimum qualification, the experience gained after the Medical Degree but before the Diploma is often considered as relevant if so prescribed in the Commission's advertisement.

4. The Ministries/Divisions are, therefore, requested that wherever they consider that the experience gained before acquiring the minimum prescribed educational qualification should also be accepted as relevant, this should be made clear while forwarding the Requisitions for the posts and full justification may be given for providing this relaxation in the interest of service. The Departments will also be required to certify that this relaxation of the general procedure had the approval of the Secretary of the Ministry/Division concerned. The Commission after due consideration of the proposal may agree to advertise this condition in its Advertisements, so that the candidates concerned should know it before applying for the posts. Unless such a clearance is given in the Requisition for the posts concerned and advertised by the Commission accordingly, it will not be possible for the Commission to deviate from the general practice stated above.

[Authority.- Federal Public Service Commission letter No.F.8/13/81-S, dated 08-7-1981].

Sl. No. 13

Channel of communication between the Ministries, Departments, etc. and the Commission.- Attention of the Ministries/Divisions, etc. is invited to para 2 of Appendix "B" to the Secretariat Instructions which runs as follows:-

"All references shall be made direct to the Commission by the Division/Department in the form of an official letter addressed to the Secretary and with which all relevant papers shall be forwarded, provided that no reference which is not obligatory under the rules and instructions regarding consultation with the Commission shall be made, save with the previous concurrence of the Establishment Division and in cases involving financial considerations of the appropriate authority as well. Before a case is referred to the Establishment Division, the Division/Department shall place in the file the draft of the letter proposed to be submitted to the Commission".

2. It is requested that all communications intended for the Federal Public Service Commission should be sent in the form of an official letter. The Commission act as a corporate body and, therefore, letters should not be addressed to the Chairman or Members of the Commission individually, but should be addressed to the Secretary of the Commission.

[Authority.- Federal Public Service Commission O.M.No.F.16/47/55-S, dated 24-9-1955].

Sl. No. 14

Grant of ex-officio status of Joint Secretary to Secretary, Federal Public Service Commission.- The Secretary, Federal Public Service Commission is granted ex officio status of Joint Secretary to the Government of Pakistan in the Establishment Division with immediate

effect. [Authority.- Estt. Division Notification No. 12/5/59-SE. II, dated 2-5-1959].

SI. No. 15

In pursuance of the decision to grant ex-officio status of Joint Secretary to the Government of Pakistan in the Establishment Division to the Secretary, Federal Public Service Commission, the following work relating to the Commission which was hitherto being handled by the Establishment Division will henceforth be disposed of by the Secretary, Federal Public Service Commission in his capacity as ex-officio Joint Secretary:

(i) All cases relating to the budget and staff of the Federal Public Service Commission.

(ii) Appointment, terms of service, etc. of the officers of the Federal Public Service Commission upto the rank of Deputy Secretary.

(iii) | Other administrative matters, such as office accommodation, etc. of the Federal Public Service Commission.

2. In view of the position detailed above, the Ministry of Finance, etc. are requested to correspond direct with the Secretary, Federal Public Service Commission in regards to the above matters. It is also requested that copies of relevant circulares, etc. issued by the Ministries/Divisions may be sent to the Commission direct.

[Authority.- Estt. Division O.M. No. 11/13/59-Admn. II, dated 11-5-1959].

Sl. No. 16

Consultation with F.P.S.C. in respect of recruitment rules.-It will be

observed from clause (b) of section 7 of the Federal Public Service Commission Ordinance, 1977, that the Commission will advise the President on matters relating to qualifications for, and methods of recruitment to, the services and posts recruitment to which is required to be made through the Commission. This being a statutory requirement should invariably be observed. It is open to the Ministry/Division concerned either to make a simultaneous reference on the subject to the Establishment Division and the Federal Public Service Commission, or to first consult the Establishment Division and thereafter make a reference to the

Commission. If there have been any cases after the 22nd December, 1977 when the F.P.S.C. Ordinance came into force, where the concurrence of Establishment Division was obtained but not that of the Commission, an immediate reference may now please be made to the Commission so that the requirements of the statute are complied with. Attention in this connection is also invited to the Federal Public Service Commission's Circular letter No.F.12/1/78, dated 12.8.1978.

[Authority.- Para 3 of Estt. Division O.M.No.11/2/78-DV., dated 27-8-1979].

Sl. No. 17

Procedure for recruitment through Federal Public Service Commission.- A perusal of the Federal Public Service Commission (Functions) Rules would show that the functions of the Commission have been confined to initial recruitment to posts in BPS-16 and above (corresponding to what were previously known as Gazetted Class II and Class I posts) with certain exceptions as in the Schedule. The Commission will not be concerned with appointment made by promotion or transfer. The previous practice of referring cases of first appointment to Class I posts (now BPS-17 and above) made through promotion shall, therefore, be discontinued. Appointments for limited periods on contract basis will also be outside the purview of the Commission. This power, however, will not be exercised except with the approval of the Prime Minister.

[Authority.- Para 2 of Estt. Secretary's d.o.letter No.1/9/73-F,IV, dated 22-10-1972].

Sl. No. 18

Reference:- Federal Public Service Commission Ordinance, 1977 (No.XLV of 1977) dated 17-12-1977 published in the Gazette of Pakistan Extraordinary dated 22nd December, 1977.

2. Attention is invited to section 7 which specifies the functions of the Commission as follows:-

Functions of the Commission.- The functions of the Commission shall be-

(a) to conduct tests and examinations for recruitment to All Pakistan Services the civil services of the Federation and such posts in connection with the affairs of the Federation as may be prescribed by rules made under section 10; and

(b) to advise the President on matters relating to qualifications for, and methods of recruitment to, the services and posts referred to in clause (a), and any other matter which the President may refer to the Commission.

Explanation.- In this. section, "recruitment" means initial appointment otherwise than by promotion or transfer. The Federal Public Service Commission (Functions) Rules which prescribe the posts in connection with the affairs of the Federation recruitment to which should be made through the Commission. These rules provide that all posts in BPS- 16 and above which are filled by direct recruitment shall be filled through the Federal Public Service Commission. The rules also provide that appointments against these posts may be made on ad hoc basis, independently of the Commission for a period of six months but an extension for a further period of six months may be given, with the

approval of the Commission, if a requisition for filling the posts was sent to the Commission within one month of the filling of the post on ad hoc basis. The Ministries and Divisions are requested to ensure that all posts in BPS- 16 and above falling in the direct recruitment quota should, as in the past, continue to be filled through Federal Public Service Commission. No extension in ad hoc appointments would be given unless a requisition has been placed with the Commission and Commission's approval to the extension of the ad hoc appointment for a further period of six months has been obtained by the Ministry concerned.

[Authority.- Paras 1 and 2 of Estt. Division O.M.No.11/2/78-D.V., dated 27-8-1978]. Sl. No. 19

Introduction of identity card code number in the application forms used for recruitment through the FPSC.- At the time of launching the National Registration Scheme in July, 1973, it was envisaged that besides the technical aspect of the utility of scheme as a source for demographic data, the scheme was also to serve various administrative purposes. Up to the end of October, 1976 more than 60 per cent of the total population has been covered. Response from the urban areas had been particularly high in the early days of inception of the scheme. However, with increase in the ratio of coverage, a decline in receipt of application forms has been observed. All out efforts are being made to complete the initial coverage at the earliest for which various ways and means are being adopted. One such step which can go a long way and can help the Directorate General of Registration in making the job easy is to make it compulsory that who-so ever applies for any job in the Provincial Government must indicate his identity card code number. This will ensure that people get themselves registered. Suggested place in the prescribed form for inclusion of identity card code number is immediately below the column where name of the applicant has been asked.

2. It is requested that a separate column of identity card code

number may please be introduced in various application forms being used by the Provincial Government for appointment purposes.

[Authority.- Estt. Division Letter No.1/43/76-T.IIL, dated 3-1-1977].